

104TH CONGRESS
1ST SESSION

S. 1316

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 12 (legislative day, OCTOBER 10), 1995

Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. REID, Mr. KERREY, Mr. DOLE, Mr. DASCHLE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. THOMAS, Mr. McCONNELL, Mr. JEFFORDS, Mr. HATCH, Mr. SIMPSON, Mr. DOMENICI, Mr. BURNS, Mr. CRAIG, Mr. BENNETT, Mr. EXON, Mr. CONRAD, Mr. HATFIELD, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Safe Drinking Water Act Amendments of 1995”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. State revolving loan funds.
- Sec. 4. Selection of contaminants; schedule.
- Sec. 5. Risk assessment, management, and communication.
- Sec. 6. Standard-setting; review of standards.
- Sec. 7. Arsenic.
- Sec. 8. Radon.
- Sec. 9. Sulfate.
- Sec. 10. Filtration and disinfection.
- Sec. 11. Effective date for regulations.
- Sec. 12. Technology and treatment techniques; technology centers.
- Sec. 13. Variances and exemptions.
- Sec. 14. Small systems; technical assistance.
- Sec. 15. Capacity development; finance centers.
- Sec. 16. Operator and laboratory certification.
- Sec. 17. Source water quality protection partnerships.
- Sec. 18. State primacy; State funding.
- Sec. 19. Monitoring and information gathering.
- Sec. 20. Public notification.
- Sec. 21. Enforcement; judicial review.
- Sec. 22. Federal agencies.
- Sec. 23. Research.
- Sec. 24. Definitions.
- Sec. 25. Ground water protection.
- Sec. 26. Lead plumbing and pipes; return flows.
- Sec. 27. Bottled water.
- Sec. 28. Assessing environmental priorities, costs, and benefits.
- Sec. 29. Other amendments.

3 (c) REFERENCES TO TITLE XIV OF THE PUBLIC
 4 HEALTH SERVICE ACT.—Except as otherwise expressly
 5 provided, whenever in this Act an amendment or repeal
 6 is expressed in terms of an amendment to, or repeal of,
 7 a section or other provision, the reference shall be consid-
 8 ered to be made to a section or other provision of title
 9 XIV of the Public Health Service Act (commonly known
 10 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et
 11 seq.).

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) safe drinking water is essential to the pro-
4 tection of public health;

5 (2) because the requirements of title XIV of the
6 Public Health Service Act (commonly known as the
7 “Safe Drinking Water Act”) (42 U.S.C. 300f et
8 seq.) now exceed the financial and technical capacity
9 of some public water systems, especially many small
10 public water systems, the Federal Government needs
11 to provide assistance to communities to help the
12 communities meet Federal drinking water require-
13 ments;

14 (3) the Federal Government commits to take
15 steps to foster and maintain a genuine partnership
16 with the States in the administration and implemen-
17 tation of the Safe Drinking Water Act;

18 (4) States play a central role in the implemen-
19 tation of safe drinking water programs, and States
20 need increased financial resources and appropriate
21 flexibility to ensure the prompt and effective devel-
22 opment and implementation of drinking water pro-
23 grams;

24 (5) the existing process for the assessment and
25 regulation of additional drinking water contaminants
26 needs to be revised and improved to ensure that

1 there is a sound scientific basis for drinking water
2 regulations and that the standards established ad-
3 dress the health risks posed by contaminants;

4 (6) procedures for assessing the health effects
5 of contaminants and establishing drinking water
6 standards should be revised to provide greater op-
7 portunity for public education and participation;

8 (7) in setting priorities with respect to the
9 health risks from drinking water to be addressed
10 and in selecting the appropriate level of regulation
11 for contaminants in drinking water, risk assessment
12 and benefit-cost analysis are important and useful
13 tools for improving the efficiency and effectiveness of
14 drinking water regulations to protect human health;

15 (8) more effective protection of public health re-
16 quires—

17 (A) a Federal commitment to set priorities
18 that will allow scarce Federal, State, and local
19 resources to be targeted toward the drinking
20 water problems of greatest public health con-
21 cern; and

22 (B) maximizing the value of the different
23 and complementary strengths and responsibil-
24 ities of the Federal and State governments in
25 those States that have primary enforcement re-

1 sponsibility for the Safe Drinking Water Act;
2 and

3 (9) compliance with the requirements of the
4 Safe Drinking Water Act continues to be a concern
5 at public water systems experiencing technical and
6 financial limitations, and Federal, State, and local
7 governments need more resources and more effective
8 authority to attain the objectives of the Safe Drink-
9 ing Water Act.

10 **SEC. 3. STATE REVOLVING LOAN FUNDS.**

11 The title (42 U.S.C. 300f et seq.) is amended by add-
12 ing at the end the following:

13 **“PART G—STATE REVOLVING LOAN FUNDS**

14 “GENERAL AUTHORITY

15 “SEC. 1471. (a) CAPITALIZATION GRANT AGREE-
16 MENTS.—The Administrator shall offer to enter into an
17 agreement with each State to make capitalization grants
18 to the State pursuant to section 1472 (referred to in this
19 part as ‘capitalization grants’) to establish a drinking
20 water treatment State revolving loan fund (referred to in
21 this part as a ‘State loan fund’).

22 “(b) REQUIREMENTS OF AGREEMENTS.—An agree-
23 ment entered into pursuant to this section shall establish,
24 to the satisfaction of the Administrator, that—

1 “(1) the State has established a State loan fund
2 that complies with the requirements of this part;

3 “(2) the State loan fund will be administered by
4 an instrumentality of the State that has the powers
5 and authorities that are required to operate the
6 State loan fund in accordance with this part;

7 “(3) the State will deposit the capitalization
8 grants into the State loan fund;

9 “(4) the State will deposit all loan repayments
10 received, and interest earned on the amounts depos-
11 ited into the State loan fund under this part, into
12 the State loan fund;

13 “(5) the State will deposit into the State loan
14 fund an amount equal to at least 20 percent of the
15 total amount of each payment to be made to the
16 State on or before the date on which the payment
17 is made to the State, except as provided in sub-
18 section (c)(4);

19 “(6) the State will use funds in the State loan
20 fund in accordance with an intended use plan pre-
21 pared pursuant to section 1474(b);

22 “(7) the State and loan recipients that receive
23 funds that the State makes available from the State
24 loan fund will use accounting procedures that con-
25 form to generally accepted accounting principles, au-

1 diting procedures that conform to chapter 75 of title
2 31, United States Code (commonly known as the
3 ‘Single Audit Act of 1984’), and such fiscal proce-
4 dures as the Administrator may prescribe; and

5 “(8) the State has adopted policies and proce-
6 dures to ensure that loan recipients are reasonably
7 likely to be able to repay a loan.

8 “(c) ADMINISTRATION OF STATE LOAN FUNDS.—

9 “(1) IN GENERAL.—The authority to establish
10 assistance priorities for financial assistance provided
11 with amounts deposited into the State loan fund
12 shall reside in the State agency that has primary re-
13 sponsibility for the administration of the State pro-
14 gram under section 1413, after consultation with
15 other appropriate State agencies (as determined by
16 the State).

17 “(2) FINANCIAL ADMINISTRATION.—A State
18 may combine the financial administration of the
19 State loan fund pursuant to this part with the finan-
20 cial administration of a State water pollution control
21 revolving fund established by the State pursuant to
22 title VI of the Federal Water Pollution Control Act
23 (33 U.S.C. 1381 et seq.), or other State revolving
24 funds providing financing for similar purposes, if the
25 Administrator determines that the grants to be pro-

1 vided to the State under this part, and the loan re-
2 payments and interest deposited into the State loan
3 fund pursuant to this part, will be separately ac-
4 counted for and used solely for the purposes of and
5 in compliance with the requirements of this part.

6 “(3) TRANSFER OF FUNDS.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, a Governor of a State
9 may—

10 “(i) reserve up to 50 percent of a cap-
11 italization grant made pursuant to section
12 1472 and add the funds reserved to any
13 funds provided to the State pursuant to
14 section 601 of the Federal Water Pollution
15 Control Act (33 U.S.C. 1381); and

16 “(ii) reserve in any year a dollar
17 amount up to the dollar amount that may
18 be reserved under clause (i) for that year
19 from capitalization grants made pursuant
20 to section 601 of such Act (33 U.S.C.
21 1381) and add the reserved funds to any
22 funds provided to the State pursuant to
23 section 1472.

24 “(B) STATE MATCH.—Funds reserved pur-
25 suant to this paragraph shall not be considered

1 to be a State match of a capitalization grant re-
 2 quired pursuant to this title or the Federal
 3 Water Pollution Control Act (33 U.S.C. 1251
 4 et seq.).

5 “(4) EXTENDED PERIOD.—Notwithstanding
 6 subsection (b)(5), a State shall not be required to
 7 deposit a State matching amount into the fund prior
 8 to the date on which each payment is made for pay-
 9 ments from funds appropriated for fiscal years
 10 1994, 1995, and 1996, if the matching amounts for
 11 the payments are deposited into the State fund prior
 12 to September 30, 1998.

13 “CAPITALIZATION GRANTS

14 “SEC. 1472. (a) GENERAL AUTHORITY.—The Ad-
 15 ministrator may make grants to capitalize State loan
 16 funds to a State that has entered into an agreement pur-
 17 suant to section 1471.

18 “(b) FORMULA FOR ALLOTMENT OF FUNDS.—

19 “(1) IN GENERAL.—Subject to subsection (c)
 20 and paragraph (2), funds made available to carry
 21 out this part shall be allotted to States that have en-
 22 tered into an agreement pursuant to section 1471 in
 23 accordance with—

24 “(A) for each of fiscal years 1995 through
 25 1997, a formula that is the same as the for-
 26 mula used to distribute public water system su-

1 pervision grant funds under section 1443 in fis-
2 cal year 1995, except that the minimum propor-
3 tionate share established in the formula shall be
4 1 percent of available funds and the formula
5 shall be adjusted to include a minimum propor-
6 tionate share for the State of Wyoming; and

7 “(B) for fiscal year 1998 and each subse-
8 quent fiscal year, a formula that allocates to
9 each State the proportional share of the State
10 needs identified in the most recent survey con-
11 ducted pursuant to section 1475(c), except that
12 the minimum proportionate share provided to
13 each State shall be the same as the minimum
14 proportionate share provided under subpara-
15 graph (A).

16 “(2) OTHER JURISDICTIONS.—The formula es-
17 tablished pursuant to paragraph (1) shall reserve
18 0.5 percent of the amounts made available to carry
19 out this part for a fiscal year for providing direct
20 grants to the jurisdictions, other than Indian Tribes,
21 referred to in subsection (f).

22 “(c) RESERVATION OF FUNDS FOR INDIAN
23 TRIBES.—

24 “(1) IN GENERAL.—For each fiscal year, prior
25 to the allotment of funds made available to carry out

1 this part, the Administrator shall reserve 1.5 percent
2 of the funds for providing financial assistance to In-
3 dian Tribes pursuant to subsection (f).

4 “(2) USE OF FUNDS.—Funds reserved pursu-
5 ant to paragraph (1) shall be used to address the
6 most significant threats to public health associated
7 with public water systems that serve Indian Tribes,
8 as determined by the Administrator in consultation
9 with the Director of the Indian Health Service.

10 “(3) NEEDS ASSESSMENT.—The Administrator,
11 in consultation with the Director of the Indian
12 Health Service, shall, in accordance with a schedule
13 that is consistent with the needs surveys conducted
14 pursuant to section 1475(c), prepare surveys and as-
15 sess the needs of drinking water treatment facilities
16 to serve Indian Tribes, including an evaluation of
17 the public water systems that pose the most signifi-
18 cant threats to public health.

19 “(d) TECHNICAL ASSISTANCE FOR SMALL SYS-
20 TEMS.—

21 “(1) DEFINITIONS.—In this subsection:

22 “(A) SMALL SYSTEM.—The term ‘small
23 system’ means a public water system that
24 serves a population of 10,000 or fewer.

1 “(B) TECHNICAL ASSISTANCE.—The term
2 ‘technical assistance’ means assistance provided
3 by a State to a small system, including assist-
4 ance to potential loan recipients and assistance
5 for planning and design, development and im-
6 plementation of a source water quality protec-
7 tion partnership program, alternative supplies
8 of drinking water, restructuring or consolida-
9 tion of a small system, and treatment to comply
10 with a national primary drinking water regula-
11 tion.

12 “(2) RESERVATION OF FUNDS.—To provide
13 technical assistance pursuant to this subsection,
14 each State may reserve from capitalization grants
15 received in any year an amount that does not exceed
16 the greater of—

17 “(A) an amount equal to 2 percent of the
18 amount of the capitalization grants received by
19 the State pursuant to this section; or

20 “(B) \$300,000.

21 “(e) ALLOTMENT PERIOD.—

22 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL
23 ASSISTANCE.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the sums allotted to a State

1 pursuant to subsection (b) for a fiscal year shall
2 be available to the State for obligation during
3 the fiscal year for which the sums are author-
4 ized and during the following fiscal year.

5 “(B) FUNDS MADE AVAILABLE FOR FISCAL
6 YEARS 1995 AND 1996.—The sums allotted to a
7 State pursuant to subsection (b) from funds
8 that are made available by appropriations for
9 each of fiscal years 1995 and 1996 shall be
10 available to the State for obligation during each
11 of fiscal years 1995 through 1998.

12 “(2) REALLOTMENT OF UNOBLIGATED
13 FUNDS.—Prior to obligating new allotments made
14 available to the State pursuant to subsection (b),
15 each State shall obligate funds accumulated before a
16 date that is 1 year prior to the date of the obligation
17 of a new allotment from loan repayments and inter-
18 est earned on amounts deposited into a State loan
19 fund. The amount of any allotment that is not obli-
20 gated by a State by the last day of the period of
21 availability established by paragraph (1) shall be im-
22 mediately reallocated by the Administrator on the
23 basis of the same ratio as is applicable to sums allot-
24 ted under subsection (b), except that the Adminis-
25 trator may reserve and allocate 10 percent of the re-

1 maining amount for financial assistance to Indian
2 Tribes in addition to the amount allotted under sub-
3 section (c). None of the funds reallocated by the Ad-
4 ministrator shall be reallocated to any State that has
5 not obligated all sums allotted to the State pursuant
6 to this section during the period in which the sums
7 were available for obligation.

8 “(3) ALLOTMENT OF WITHHELD FUNDS.—All
9 funds withheld by the Administrator pursuant to
10 subsection (g) and section 1442(e)(3) shall be allot-
11 ted by the Administrator on the basis of the same
12 ratio as is applicable to funds allotted under sub-
13 section (b). None of the funds allotted by the Ad-
14 ministrator pursuant to this paragraph shall be al-
15 lotted to a State unless the State has met the re-
16 quirements of section 1418(a).

17 “(f) DIRECT GRANTS.—

18 “(1) IN GENERAL.—The Administrator is au-
19 thorized to make grants for the improvement of pub-
20 lic water systems of Indian Tribes, the District of
21 Columbia, the United States Virgin Islands, the
22 Commonwealth of the Northern Mariana Islands,
23 American Samoa, and Guam and, if funds are ap-
24 propriated to carry out this part for fiscal year
25 1995, the Republic of Palau.

1 “(2) ALASKA NATIVE VILLAGES.—In the case of
2 a grant for a project under this subsection in an
3 Alaska Native village, the Administrator is also au-
4 thorized to make grants to the State of Alaska for
5 the benefit of Native villages. An amount not to ex-
6 ceed 4 percent of the grant amount may be used by
7 the State of Alaska for project management.

8 “(g) NEW SYSTEM CAPACITY.—Beginning in fiscal
9 year 1999, the Administrator shall withhold the percent-
10 age prescribed in the following sentence of each capitaliza-
11 tion grant made pursuant to this section to a State unless
12 the State has met the requirements of section 1418(a).
13 The percentage withheld shall be 5 percent for fiscal year
14 1999, 10 percent for fiscal year 2000, and 15 percent for
15 each subsequent fiscal year.

16 “ELIGIBLE ASSISTANCE

17 “SEC. 1473. (a) IN GENERAL.—The amounts depos-
18 ited into a State loan fund, including any amounts equal
19 to the amounts of loan repayments and interest earned
20 on the amounts deposited, may be used by the State to
21 carry out projects that are consistent with this section.

22 “(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

23 “(1) IN GENERAL.—The amounts deposited
24 into a State loan fund shall be used only for provid-
25 ing financial assistance for capital expenditures and
26 associated costs (but excluding the cost of land ac-

1 quisition unless the cost is incurred to acquire land
2 for the construction of a treatment facility or for a
3 consolidation project) for—

4 “(A) a project that will facilitate compli-
5 ance with national primary drinking water reg-
6 ulations promulgated pursuant to section 1412;

7 “(B) a project that will facilitate the con-
8 solidation of public water systems or the use of
9 an alternative source of water supply;

10 “(C) a project that will upgrade a drinking
11 water treatment system; and

12 “(D) the development of a public water
13 system to replace private drinking water sup-
14 plies if the private water supplies pose a signifi-
15 cant threat to human health.

16 “(2) OPERATOR TRAINING.—Associated costs
17 eligible for assistance under this part include the
18 costs of training and certifying the persons who will
19 operate facilities that receive assistance pursuant to
20 paragraph (1).

21 “(3) LIMITATION.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), no assistance under this
24 part shall be provided to a public water system
25 that—

1 “(i) does not have the technical, man-
2 agerial, and financial capability to ensure
3 compliance with the requirements of this
4 title; and

5 “(ii) has a history of—

6 “(I) past violations of any maxi-
7 mum contaminant level or treatment
8 technique established by a regulation
9 or a variance; or

10 “(II) significant noncompliance
11 with monitoring requirements or any
12 other requirement of a national pri-
13 mary drinking water regulation or
14 variance.

15 “(B) RESTRUCTURING.—A public water
16 system described in subparagraph (A) may re-
17 ceive assistance under this part if—

18 “(i) the owner or operator of the sys-
19 tem agrees to undertake feasible and ap-
20 propriate changes in operations (including
21 ownership, management, accounting, rates,
22 maintenance, consolidation, alternative
23 water supply, or other procedures) if the
24 State determines that such measures are
25 necessary to ensure that the system has

1 the technical, managerial, and financial ca-
2 pability to comply with the requirements of
3 this title over the long term; and

4 “(ii) the use of the assistance will en-
5 sure compliance.

6 “(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State
7 loan fund may provide financial assistance only to commu-
8 nity water systems, publicly owned water systems (other
9 than systems owned by Federal agencies), and nonprofit
10 noncommunity water systems.

11 “(d) TYPES OF ASSISTANCE.—Except as otherwise
12 limited by State law, the amounts deposited into a State
13 loan fund under this section may be used only—

14 “(1) to make loans, on the condition that—

15 “(A) the interest rate for each loan is less
16 than or equal to the market interest rate, in-
17 cluding an interest free loan;

18 “(B) principal and interest payments on
19 each loan will commence not later than 1 year
20 after completion of the project for which the
21 loan was made, and each loan will be fully am-
22 ortized not later than 20 years after the com-
23 pletion of the project, except that in the case of
24 a disadvantaged community (as defined in sub-

1 section (e)(1)), a State may provide an ex-
2 tended term for a loan, if the extended term—

3 “(i) terminates not later than the date
4 that is 30 years after the date of project
5 completion; and

6 “(ii) does not exceed the expected de-
7 sign life of the project;

8 “(C) the recipient of each loan will estab-
9 lish a dedicated source of revenue for the repay-
10 ment of the loan; and

11 “(D) the State loan fund will be credited
12 with all payments of principal and interest on
13 each loan;

14 “(2) to buy or refinance the debt obligation of
15 a municipality or an intermunicipal or interstate
16 agency within the State at an interest rate that is
17 less than or equal to the market interest rate in any
18 case in which a debt obligation is incurred after Oc-
19 tober 14, 1993, or to refinance a debt obligation for
20 a project constructed to comply with a regulation es-
21 tablished pursuant to an amendment to this title
22 made by the Safe Drinking Water Act Amendments
23 of 1986 (Public Law 99-339; 100 Stat. 642);

24 “(3) to guarantee, or purchase insurance for, a
25 local obligation (all of the proceeds of which finance

1 a project eligible for assistance under subsection (b))
2 if the guarantee or purchase would improve credit
3 market access or reduce the interest rate applicable
4 to the obligation;

5 “(4) as a source of revenue or security for the
6 payment of principal and interest on revenue or gen-
7 eral obligation bonds issued by the State if the pro-
8 ceeds of the sale of the bonds will be deposited into
9 the State loan fund;

10 “(5) as a source of revenue or security for the
11 payment of interest on a local obligation (all of the
12 proceeds of which finance a project eligible for as-
13 sistance under subsection (b)); and

14 “(6) to earn interest on the amounts deposited
15 into the State loan fund.

16 “(e) ASSISTANCE FOR DISADVANTAGED COMMU-
17 NITIES.—

18 “(1) DEFINITION OF DISADVANTAGED COMMU-
19 NITY.—In this subsection, the term ‘disadvantaged
20 community’ means the service area of a public water
21 system that meets affordability criteria established
22 after public review and comment by the State in
23 which the public water system is located. The Ad-
24 ministrator may publish information to assist States
25 in establishing affordability criteria.

1 “(2) LOAN SUBSIDY.—Notwithstanding sub-
 2 section (d), in any case in which the State makes a
 3 loan pursuant to subsection (d) to a disadvantaged
 4 community or to a community that the State expects
 5 to become a disadvantaged community as the result
 6 of a proposed project, the State may provide addi-
 7 tional subsidization (including forgiveness of prin-
 8 cipal).

9 “(3) TOTAL AMOUNT OF SUBSIDIES.—For each
 10 fiscal year, the total amount of loan subsidies made
 11 by a State pursuant to paragraph (2) may not ex-
 12 ceed 30 percent of the amount of the capitalization
 13 grant received by the State for the year.

14 “(f) SOURCE WATER QUALITY PROTECTION AND CA-
 15 PACITY DEVELOPMENT.—

16 “(1) IN GENERAL.—Notwithstanding subsection
 17 (b)(1), a State may—

18 “(A) provide assistance, only in the form
 19 of a loan, to—

20 “(i) any public water system described
 21 in subsection (c) to acquire land or a con-
 22 servancy easement, if the purpose of the
 23 acquisition is to protect the source water of
 24 the system from contamination; or

1 “(ii) any community water system de-
 2 scribed in subsection (c) to provide funding
 3 in accordance with section
 4 1419(d)(1)(C)(i);

5 “(B) provide assistance, including technical
 6 and financial assistance, to any public water
 7 system as part of a capacity development strat-
 8 egy developed and implemented in accordance
 9 with section 1418(c); and

10 “(C) make expenditures from the capital-
 11 ization grant of the State for fiscal years 1996
 12 and 1997 to delineate and assess source water
 13 protection areas in accordance with section
 14 1419, except that funds set aside for such ex-
 15 penditure shall be obligated within 4 fiscal
 16 years.

17 “(2) LIMITATION.—For each fiscal year, the
 18 total amount of assistance provided and expendi-
 19 tures made by a State under this subsection may not
 20 exceed 10 percent of the amount of the capitaliza-
 21 tion grant received by the State for that year.

22 “STATE LOAN FUND ADMINISTRATION

23 “SEC. 1474. (a) ADMINISTRATION, TECHNICAL AS-
 24 SISTANCE, AND MANAGEMENT.—

25 “(1) ADMINISTRATION.—Each State that has a
 26 State loan fund is authorized to expend from the an-

1 nual capitalization grant of the State a reasonable
2 amount, not to exceed 4 percent of the capitalization
3 grant made to the State, for the costs of the admin-
4 istration of the State loan fund.

5 “(2) STATE PROGRAM MANAGEMENT ASSIST-
6 ANCE.—

7 “(A) IN GENERAL.—Each State that has a
8 loan fund is authorized to expend from the an-
9 nual capitalization grant of the State an
10 amount, determined pursuant to this para-
11 graph, to carry out the public water system su-
12 pervision program under section 1443(a) and
13 to—

14 “(i) administer, or provide technical
15 assistance through, source water quality
16 protection programs, including a partner-
17 ship program under section 1419; and

18 “(ii) develop and implement a capac-
19 ity development strategy under section
20 1418(c) in the State.

21 “(B) LIMITATION.—Amounts expended by
22 a State pursuant to this paragraph for any fis-
23 cal year may not exceed an amount that is
24 equal to the amount of the grant funds avail-

1 able to the State for that fiscal year under sec-
2 tion 1443(a).

3 “(C) STATE FUNDS.—For any fiscal year,
4 funds may not be expended pursuant to this
5 paragraph unless the Administrator determines
6 that the amount of State funds made available
7 to carry out the public water system supervision
8 program under section 1443(a) for the fiscal
9 year is not less than the amount of State funds
10 made available to carry out the program for fis-
11 cal year 1993.

12 “(b) INTENDED USE PLANS.—

13 “(1) IN GENERAL.—After providing for public
14 review and comment, each State that has entered
15 into a capitalization agreement pursuant to this part
16 shall annually prepare a plan that identifies the in-
17 tended uses of the amounts available to the State
18 loan fund of the State.

19 “(2) CONTENTS.—An intended use plan shall
20 include—

21 “(A) a list of the projects to be assisted in
22 the first fiscal year that begins after the date
23 of the plan, including a description of the
24 project, the expected terms of financial assist-
25 ance, and the size of the community served;

1 “(B) the criteria and methods established
2 for the distribution of funds; and

3 “(C) a description of the financial status of
4 the State loan fund and the short-term and
5 long-term goals of the State loan fund.

6 “(3) USE OF FUNDS.—

7 “(A) IN GENERAL.—An intended use plan
8 shall provide, to the maximum extent prac-
9 ticable, that priority for the use of funds be
10 given to projects that—

11 “(i) address the most serious risk to
12 human health;

13 “(ii) are necessary to ensure compli-
14 ance with the requirements of this title (in-
15 cluding requirements for filtration); and

16 “(iii) assist systems most in need on
17 a per household basis according to State
18 affordability criteria.

19 “(B) LIST OF PROJECTS.—Each State
20 shall, after notice and opportunity for public
21 comment, publish and periodically update a list
22 of projects in the State that are eligible for as-
23 sistance under this part, including the priority
24 assigned to each project and, to the extent

1 known, the expected funding schedule for each
2 project.

3 “STATE LOAN FUND MANAGEMENT

4 “SEC. 1475. (a) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this part, and annually
6 thereafter, the Administrator shall conduct such reviews
7 and audits as the Administrator considers appropriate, or
8 require each State to have the reviews and audits inde-
9 pendently conducted, in accordance with the single audit
10 requirements of chapter 75 of title 31, United States
11 Code.

12 “(b) STATE REPORTS.—Not later than 2 years after
13 the date of enactment of this part, and every 2 years
14 thereafter, each State that administers a State loan fund
15 shall publish and submit to the Administrator a report on
16 the activities of the State under this part, including the
17 findings of the most recent audit of the State loan fund.

18 “(c) DRINKING WATER NEEDS SURVEY AND ASSESS-
19 MENT.—Not later than 1 year after the date of enactment
20 of this part, and every 4 years thereafter, the Adminis-
21 trator shall submit to Congress a survey and assessment
22 of the needs for facilities in each State eligible for assist-
23 ance under this part. The survey and assessment con-
24 ducted pursuant to this subsection shall—

25 “(1) identify, by State, the needs for projects or
26 facilities owned or controlled by community water

1 systems eligible for assistance under this part on the
2 date of the assessment (other than refinancing for a
3 project pursuant to section 1473(d)(2));

4 “(2) estimate the needs for eligible facilities
5 over the 20-year period following the date of the as-
6 sessment;

7 “(3) identify, by size category, the population
8 served by public water systems with needs identified
9 pursuant to paragraph (1); and

10 “(4) include such other information as the Ad-
11 ministrator determines to be appropriate.

12 “(d) EVALUATION.—The Administrator shall conduct
13 an evaluation of the effectiveness of the State loan funds
14 through fiscal year 1999. The evaluation shall be submit-
15 ted to Congress at the same time as the President submits
16 to Congress, pursuant to section 1108 of title 31, United
17 States Code, an appropriations request for fiscal year
18 2001 relating to the budget of the Environmental Protec-
19 tion Agency.

20 “ENFORCEMENT

21 “SEC. 1476. The failure or inability of any public
22 water system to receive funds under this part or any other
23 loan or grant program, or any delay in obtaining the
24 funds, shall not alter the obligation of the system to com-
25 ply in a timely manner with all applicable drinking water
26 standards and requirements of this title.

1 “REGULATIONS AND GUIDANCE

2 “SEC. 1477. The Administrator shall publish such
3 guidance and promulgate such regulations as are nec-
4 essary to carry out this part, including guidance and regu-
5 lations to ensure that—

6 “(1) each State commits and expends funds
7 from the State loan fund in accordance with the re-
8 quirements of this part and applicable Federal and
9 State laws; and

10 “(2) the States and eligible public water sys-
11 tems that receive funds under this part use account-
12 ing procedures that conform to generally accepted
13 accounting principles, auditing procedures that con-
14 form to chapter 75 of title 31, United States Code
15 (commonly known as the ‘Single Audit Act of
16 1984’), and such fiscal procedures as the Adminis-
17 trator may prescribe.

18 “AUTHORIZATION OF APPROPRIATIONS

19 “SEC. 1478. (a) GENERAL AUTHORIZATION.—There
20 are authorized to be appropriated to the Environmental
21 Protection Agency to carry out this part \$600,000,000 for
22 fiscal year 1994 and \$1,000,000,000 for each of fiscal
23 years 1995 through 2003.

24 “(b) HEALTH EFFECTS RESEARCH.—From funds
25 appropriated pursuant to this section for each fiscal year,
26 the Administrator shall reserve \$10,000,000 for health ef-

1 fects research on drinking water contaminants authorized
2 by section 1442. In allocating funds made available under
3 this subsection, the Administrator shall give priority to re-
4 search concerning the health effects of cryptosporidium,
5 disinfection byproducts, and arsenic, and the implementa-
6 tion of a research plan for subpopulations at greater risk
7 of adverse effects pursuant to section 1442(l).

8 “(c) MONITORING FOR UNREGULATED CONTAMI-
9 NANTS.—From funds appropriated pursuant to this sec-
10 tion for each fiscal year beginning with fiscal year 1997,
11 the Administrator shall reserve \$2,000,000 to pay the
12 costs of monitoring for unregulated contaminants under
13 section 1445(a)(2)(D).

14 “(d) SMALL SYSTEM TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 from funds appropriated pursuant to this section for
17 each fiscal year for which the appropriation made
18 pursuant to subsection (a) exceeds \$800,000,000,
19 the Administrator shall reserve to carry out section
20 1442(g) an amount that is equal to any amount by
21 which the amount made available to carry out sec-
22 tion 1442(g) is less than the amount referred to in
23 the third sentence of section 1442(g).

1 “(2) MAXIMUM AMOUNT.—For each fiscal year,
 2 the amount reserved under paragraph (1) shall be
 3 not greater than an amount equal to the lesser of—

4 “(A) 2 percent of the funds appropriated
 5 pursuant to this section for the fiscal year; or

6 “(B) \$10,000,000.”.

7 **SEC. 4. SELECTION OF CONTAMINANTS; SCHEDULE.**

8 (a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g–
 9 1(b)) is amended by striking “(b)(1)” and all that follows
 10 through the end of paragraph (3) and inserting the follow-
 11 ing:

12 “(b) STANDARDS.—

13 “(1) IDENTIFICATION OF CONTAMINANTS FOR
 14 LISTING.—

15 “(A) GENERAL AUTHORITY.—The Admin-
 16 istrator shall publish a maximum contaminant
 17 level goal and promulgate a national primary
 18 drinking water regulation for each contaminant
 19 (other than a contaminant referred to in para-
 20 graph (2) for which a national primary drinking
 21 water regulation has been promulgated as of
 22 the date of enactment of the Safe Drinking
 23 Water Act Amendments of 1995) if the Admin-
 24 istrator determines, based on adequate data
 25 and appropriate peer-reviewed scientific infor-

1 mation and an assessment of health risks, con-
2 ducted in accordance with sound and objective
3 scientific practices, that—

4 “(i) the contaminant may have an ad-
5 verse effect on the health of persons; and

6 “(ii) the contaminant is known to
7 occur or there is a substantial likelihood
8 that the contaminant will occur in public
9 water systems with a frequency and at lev-
10 els of public health concern.

11 “(B) SELECTION AND LISTING OF CON-
12 TAMINANTS FOR CONSIDERATION.—

13 “(i) IN GENERAL.—Not later than
14 July 1, 1996, the Administrator (after con-
15 sultation with the Secretary of Health and
16 Human Services) shall publish and periodi-
17 cally, but not less often than every 5 years,
18 update a list of contaminants that are
19 known or anticipated to occur in drinking
20 water provided by public water systems
21 and that may warrant regulation under
22 this title.

23 “(ii) RESEARCH AND STUDY PLAN.—
24 At such time as a list is published under
25 clause (i), the Administrator shall describe

1 available and needed information and re-
2 search with respect to—

3 “(I) the health effects of the con-
4 taminants;

5 “(II) the occurrence of the con-
6 taminants in drinking water; and

7 “(III) treatment techniques and
8 other means that may be feasible to
9 control the contaminants.

10 “(iii) COMMENT.—The Administrator
11 shall seek comment on each list and any
12 research plan that is published from offi-
13 cials of State and local governments, oper-
14 ators of public water systems, the scientific
15 community, and the general public.

16 “(C) DETERMINATION.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii), not later than July 1,
19 2001, and every 5 years thereafter, the
20 Administrator shall take one of the follow-
21 ing actions for not fewer than 5 contami-
22 nants:

23 “(I) Publish a determination that
24 information available to the Adminis-
25 trator does not warrant the issuance

1 of a national primary drinking water
2 regulation.

3 “(II) Publish a determination
4 that a national primary drinking
5 water regulation is warranted based
6 on information available to the Ad-
7 ministrator, and proceed to propose a
8 maximum contaminant level goal and
9 national primary drinking water regu-
10 lation not later than 2 years after the
11 date of publication of the determina-
12 tion.

13 “(III) Propose a maximum con-
14 taminant level goal and national pri-
15 mary drinking water regulation.

16 “(ii) INSUFFICIENT INFORMATION.—
17 If the Administrator determines that avail-
18 able information is insufficient to make a
19 determination for a contaminant under
20 clause (i), the Administrator may publish a
21 determination to continue to study the con-
22 taminant. Not later than 5 years after the
23 Administrator determines that further
24 study is necessary for a contaminant pur-
25 suant to this clause, the Administrator

1 shall make a determination under clause
2 (i).

3 “(iii) ASSESSMENT.—The determina-
4 tions under clause (i) shall be based on an
5 assessment of—

6 “(I) the available scientific
7 knowledge that is consistent with the
8 requirements of paragraph (3)(A) and
9 useful in determining the nature and
10 extent of adverse effects on the health
11 of persons that may occur due to the
12 presence of the contaminant in drink-
13 ing water;

14 “(II) information on the occur-
15 rence of the contaminant in drinking
16 water; and

17 “(III) the treatment technologies,
18 treatment techniques, or other means
19 that may be feasible in reducing the
20 contaminant in drinking water pro-
21 vided by public water systems.

22 “(iv) PRIORITIES.—In making deter-
23 minations under this subparagraph, the
24 Administrator shall give priority to those
25 contaminants not currently regulated that

1 are associated with the most serious ad-
2 verse health effects and that present the
3 greatest potential risk to the health of per-
4 sons due to the presence of the contami-
5 nant in drinking water provided by public
6 water systems.

7 “(v) REVIEW.—Each document set-
8 ting forth the determination for a contami-
9 nant under clause (i) shall be available for
10 public comment before the determination is
11 published.

12 “(vi) JUDICIAL REVIEW.—Determina-
13 tions made by the Administrator pursuant
14 to clause (i)(I) shall be considered final
15 agency actions for the purposes of section
16 1448. No determination under clause (i)(I)
17 shall be set aside by a court pursuant to
18 a review authorized under that section or
19 other law, unless the court finds that the
20 determination is arbitrary and capricious.

21 “(D) URGENT THREATS TO PUBLIC
22 HEALTH.—The Administrator may promulgate
23 an interim national primary drinking water reg-
24 ulation for a contaminant without listing the
25 contaminant under subparagraph (B) or pub-

1 lishing a determination for the contaminant
2 under subparagraph (C) to address an urgent
3 threat to public health as determined by the
4 Administrator after consultation with and writ-
5 ten response to any comments provided by the
6 Secretary of Health and Human Services, act-
7 ing through the director of the Centers for Dis-
8 ease Control and Prevention or the director of
9 the National Institutes of Health. A determina-
10 tion for any contaminant in accordance with
11 subparagraph (C) subject to an interim regula-
12 tion under this subparagraph shall be issued
13 not later than 3 years after the date on which
14 the regulation is promulgated and the regula-
15 tion shall be repromulgated, or revised if appro-
16 priate, not later than 5 years after that date.

17 “(E) MONITORING DATA AND OTHER IN-
18 FORMATION.—The Administrator may require,
19 in accordance with section 1445(a)(2), the sub-
20 mission of monitoring data and other informa-
21 tion necessary for the development of studies,
22 research plans, or national primary drinking
23 water regulations.

24 “(2) SCHEDULES AND DEADLINES.—

1 “(A) IN GENERAL.—In the case of the con-
2 taminants listed in the Advance Notice of Pro-
3 posed Rulemaking published in volume 47, Fed-
4 eral Register, page 9352, and in volume 48,
5 Federal Register, page 45502, the Adminis-
6 trator shall publish maximum contaminant level
7 goals and promulgate national primary drinking
8 water regulations—

9 “(i) not later than 1 year after June
10 19, 1986, for not fewer than 9 of the listed
11 contaminants;

12 “(ii) not later than 2 years after June
13 19, 1986, for not fewer than 40 of the list-
14 ed contaminants; and

15 “(iii) not later than 3 years after
16 June 19, 1986, for the remainder of the
17 listed contaminants.

18 “(B) SUBSTITUTION OF CONTAMINANTS.—
19 If the Administrator identifies a drinking water
20 contaminant the regulation of which, in the
21 judgment of the Administrator, is more likely to
22 be protective of public health (taking into ac-
23 count the schedule for regulation under sub-
24 paragraph (A)) than a contaminant referred to
25 in subparagraph (A), the Administrator may

1 publish a maximum contaminant level goal and
2 promulgate a national primary drinking water
3 regulation for the identified contaminant in lieu
4 of regulating the contaminant referred to in
5 subparagraph (A). Substitutions may be made
6 for not more than 7 contaminants referred to in
7 subparagraph (A). Regulation of a contaminant
8 identified under this subparagraph shall be in
9 accordance with the schedule applicable to the
10 contaminant for which the substitution is made.

11 “(C) DISINFECTANTS AND DISINFECTION
12 BYPRODUCTS.—

13 “(i) INFORMATION COLLECTION
14 RULE.—

15 “(I) IN GENERAL.—Not later
16 than December 31, 1995, the Admin-
17 istrator shall, after notice and oppor-
18 tunity for public comment, promulgate
19 an information collection rule to ob-
20 tain information that will facilitate
21 further revisions to the national pri-
22 mary drinking water regulation for
23 disinfectants and disinfection byprod-
24 ucts, including information on micro-

1 bial contaminants such as
2 cryptosporidium.

3 “(II) EXTENSION.—The Admin-
4 istrator may extend the deadline
5 under subclause (I) for up to 180
6 days if the Administrator determines
7 that progress toward approval of an
8 appropriate analytical method to
9 screen for cryptosporidium is suffi-
10 ciently advanced and approval is likely
11 to be completed within the additional
12 time period.

13 “(ii) ADDITIONAL DEADLINES.—The
14 time intervals between promulgation of a
15 final information collection rule, an In-
16 terim Enhanced Surface Water Treatment
17 Rule, a Final Enhanced Surface Water
18 Treatment Rule, a Stage I Disinfectants
19 and Disinfection Byproducts Rule, and a
20 Stage II Disinfectants and Disinfection
21 Byproducts Rule shall be in accordance
22 with the schedule published in volume 59,
23 Federal Register, page 6361 (February 10,
24 1994), in table III.13 of the proposed In-
25 formation Collection Rule. If a delay oc-

1 curs with respect to the promulgation of
2 any rule in the timetable established by
3 this subparagraph, all subsequent rules
4 shall be completed as expeditiously as prac-
5 ticable subject to agreement by all the par-
6 ties to the negotiated rulemaking, but no
7 later than a revised date that reflects the
8 interval or intervals for the rules in the
9 timetable.

10 “(D) PRIOR REQUIREMENTS.—The re-
11 quirements of subparagraphs (C) and (D) of
12 section 1412(b)(3) (as in effect before the
13 amendment made by section 4(a) of the Safe
14 Drinking Water Act Amendments of 1995), and
15 any obligation to promulgate regulations pursu-
16 ant to such subparagraphs not promulgated as
17 of the date of enactment of the Safe Drinking
18 Water Act Amendments of 1995, are super-
19 seded by this paragraph and paragraph (1).”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 1412(a)(3) (42 U.S.C. 300g-
22 1(a)(3)) is amended by striking “paragraph (1), (2),
23 or (3) of subsection (b)” each place it appears and
24 inserting “paragraph (1) or (2) of subsection (b)”.

1 (2) Section 1415(d) (42 U.S.C. 300g-4(d)) is
 2 amended by striking “section 1412(b)(3)” and in-
 3 serting “section 1412(b)(7)(A)”.

4 **SEC. 5. RISK ASSESSMENT, MANAGEMENT, AND COMMU-**
 5 **NICATION.**

6 Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended
 7 by section 4) is further amended by inserting after para-
 8 graph (2) the following:

9 “(3) RISK ASSESSMENT, MANAGEMENT AND
 10 COMMUNICATION.—

11 “(A) USE OF SCIENCE IN DECISIONMAK-
 12 ING.—In carrying out this title, the Adminis-
 13 trator shall use—

14 “(i) the best available, peer-reviewed
 15 science and supporting studies conducted
 16 in accordance with sound and objective sci-
 17 entific practices; and

18 “(ii) data collected by accepted meth-
 19 ods or best available methods (if the reli-
 20 ability of the method and the nature of the
 21 decision justifies use of the data).

22 “(B) PUBLIC INFORMATION.—In carrying
 23 out this section, the Administrator shall ensure
 24 that the presentation of information on public
 25 health effects is comprehensive, informative and

1 understandable. The Administrator shall, in a
2 document made available to the public in sup-
3 port of a regulation promulgated under this sec-
4 tion, specify, to the extent practicable—

5 “(i) each population addressed by any
6 estimate of public health effects;

7 “(ii) the expected risk or central esti-
8 mate of risk for the specific populations;

9 “(iii) each appropriate upper-bound or
10 lower-bound estimate of risk;

11 “(iv) each uncertainty identified in the
12 process of the assessment of public health
13 effects and research that would assist in
14 resolving the uncertainty; and

15 “(v) peer-reviewed studies known to
16 the Administrator that support, are di-
17 rectly relevant to, or fail to support any es-
18 timate of public health effects and the
19 methodology used to reconcile inconsis-
20 tencies in the scientific data.

21 “(C) HEALTH RISK REDUCTION AND COST
22 ANALYSIS.—

23 “(i) MAXIMUM CONTAMINANT LEV-
24 ELS.—Not later than 90 days prior to pro-
25 posing any national primary drinking

1 water regulation that includes a maximum
2 contaminant level, the Administrator shall,
3 with respect to a maximum contaminant
4 level that would be considered in accord-
5 ance with paragraph (4) in a proposed reg-
6 ulation and each alternative maximum con-
7 taminant level that would be considered in
8 a proposed regulation pursuant to para-
9 graph (5) or (6)(A), publish, seek public
10 comment on, and use for the purposes of
11 paragraphs (4), (5), and (6) an analysis
12 of—

13 “(I) the health risk reduction
14 benefits (including non-quantifiable
15 health benefits identified and de-
16 scribed by the Administrator, except
17 that such benefits shall not be used by
18 the Administrator for purposes of de-
19 termining whether a maximum con-
20 taminant level is or is not justified
21 unless there is a factual basis in the
22 rulemaking record to conclude that
23 such benefits are likely to occur) ex-
24 pected as the result of treatment to
25 comply with each level;

1 “(II) the health risk reduction
2 benefits (including non-quantifiable
3 health benefits identified and de-
4 scribed by the Administrator, except
5 that such benefits shall not be used by
6 the Administrator for purposes of de-
7 termining whether a maximum con-
8 taminant level is or is not justified
9 unless there is a factual basis in the
10 rulemaking record to conclude that
11 such benefits are likely to occur) ex-
12 pected from reductions in co-occurring
13 contaminants that may be attributed
14 solely to compliance with the maxi-
15 mum contaminant level, excluding
16 benefits resulting from compliance
17 with other proposed or promulgated
18 regulations;

19 “(III) the costs (including non-
20 quantifiable costs identified and de-
21 scribed by the Administrator, except
22 that such costs shall not be used by
23 the Administrator for purposes of de-
24 termining whether a maximum con-
25 taminant level is or is not justified

1 unless there is a factual basis in the
2 rulemaking record to conclude that
3 such costs are likely to occur) ex-
4 pected solely as a result of compliance
5 with the maximum contaminant level,
6 including monitoring, treatment, and
7 other costs and excluding costs result-
8 ing from compliance with other pro-
9 posed or promulgated regulations;

10 “(IV) the incremental costs and
11 benefits associated with each alter-
12 native maximum contaminant level
13 considered;

14 “(V) the effects of the contami-
15 nant on the general population and on
16 groups within the general population
17 such as infants, children, pregnant
18 women, the elderly, individuals with a
19 history of serious illness, or other sub-
20 populations that are identified as like-
21 ly to be at greater risk of adverse
22 health effects due to exposure to con-
23 taminants in drinking water than the
24 general population;

1 “(VI) any increased health risk
2 that may occur as the result of com-
3 pliance, including risks associated
4 with co-occurring contaminants; and

5 “(VII) other relevant factors, in-
6 cluding the quality and extent of the
7 information, the uncertainties in the
8 analysis supporting subclauses (I)
9 through (VI), and factors with respect
10 to the degree and nature of the risk.

11 “(ii) TREATMENT TECHNIQUES.—Not
12 later than 90 days prior to proposing a na-
13 tional primary drinking water regulation
14 that includes a treatment technique in ac-
15 cordance with paragraph (7)(A), the Ad-
16 ministrator shall publish and seek public
17 comment on an analysis of the health risk
18 reduction benefits and costs likely to be ex-
19 perienced as the result of compliance with
20 the treatment technique and alternative
21 treatment techniques that would be consid-
22 ered in a proposed regulation, taking into
23 account, as appropriate, the factors de-
24 scribed in clause (i).

1 “(iii) APPROACHES TO MEASURE AND
2 VALUE BENEFITS.—The Administrator
3 may identify valid approaches for the
4 measurement and valuation of benefits
5 under this subparagraph, including ap-
6 proaches to identify consumer willingness
7 to pay for reductions in health risks from
8 drinking water contaminants.

9 “(iv) FORM OF NOTICE.—Whenever a
10 national primary drinking water regulation
11 is expected to result in compliance costs
12 greater than \$75,000,000 per year, the
13 Administrator shall provide the notice re-
14 quired by clause (i) or (ii) through an ad-
15 vanced notice of proposed rulemaking.

16 “(v) AUTHORIZATION.—There are au-
17 thorized to be appropriated to the Admin-
18 istrator, acting through the Office of
19 Ground Water and Drinking Water, to
20 conduct studies, assessments, and analyses
21 in support of regulations or the develop-
22 ment of methods, \$35,000,000 for each of
23 fiscal years 1996 through 2003.”.

1 **SEC. 6. STANDARD-SETTING; REVIEW OF STANDARDS.**

2 (a) IN GENERAL.—Section 1412(b) (42 U.S.C.
3 300g-1(b)) is amended—

4 (1) in paragraph (4)—

5 (A) by striking “(4) Each” and inserting
6 the following:

7 “(4) GOALS AND STANDARDS.—

8 “(A) MAXIMUM CONTAMINANT LEVEL
9 GOALS.—Each”;

10 (B) in subparagraph (A) (as so des-
11 ignated), by inserting after the first sentence
12 the following: “The maximum contaminant level
13 goal for contaminants that are known or likely
14 to cause cancer in humans may be set at a level
15 other than zero, if the Administrator deter-
16 mines, based on the best available, peer-re-
17 viewed science, that there is a threshold level
18 below which there is unlikely to be any increase
19 in cancer risk and the Administrator sets the
20 maximum contaminant level goal at that level
21 with an adequate margin of safety.”;

22 (C) in the last sentence—

23 (i) by striking “Each national” and
24 inserting the following:

1 “(B) MAXIMUM CONTAMINANT LEVELS.—
2 Except as provided in paragraphs (5) and (6),
3 each national”; and

4 (ii) by striking “maximum level” and
5 inserting “maximum contaminant level”;
6 and

7 (D) by adding at the end the following:

8 “(C) DETERMINATION.—At the time the
9 Administrator proposes a national primary
10 drinking water regulation under this paragraph,
11 the Administrator shall publish a determination
12 as to whether the benefits of the maximum con-
13 taminant level justify, or do not justify, the
14 costs based on the analysis conducted under
15 paragraph (3)(C).”;

16 (2) by striking “(5) For the” and inserting the
17 following:

18 “(D) DEFINITION OF FEASIBLE.—For
19 the”;

20 (3) in the second sentence of paragraph (4)(D)
21 (as so designated), by striking “paragraph (4)” and
22 inserting “this paragraph”;

23 (4) by striking “(6) Each national” and insert-
24 ing the following:

1 “(E) FEASIBLE TECHNOLOGIES.—Each
2 national”;

3 (5) in paragraph (4)(E) (as so designated), by
4 striking “this paragraph” and inserting “this sub-
5 section”; and

6 (6) by inserting after paragraph (4) (as so
7 amended) the following:

8 “(5) ADDITIONAL HEALTH RISK CONSIDER-
9 ATIONS.—

10 “(A) IN GENERAL.—Notwithstanding para-
11 graph (4), the Administrator may establish a
12 maximum contaminant level for a contaminant
13 at a level other than the feasible level, if the
14 technology, treatment techniques, and other
15 means used to determine the feasible level
16 would result in an increase in the health risk
17 from drinking water by—

18 “(i) increasing the concentration of
19 other contaminants in drinking water; or

20 “(ii) interfering with the efficacy of
21 drinking water treatment techniques or
22 processes that are used to comply with
23 other national primary drinking water reg-
24 ulations.

1 “(B) ESTABLISHMENT OF LEVEL.—If the
2 Administrator establishes a maximum contami-
3 nant level or levels or requires the use of treat-
4 ment techniques for any contaminant or con-
5 taminants pursuant to the authority of this
6 paragraph—

7 “(i) the level or levels or treatment
8 techniques shall minimize the overall risk
9 of adverse health effects by balancing the
10 risk from the contaminant and the risk
11 from other contaminants the concentra-
12 tions of which may be affected by the use
13 of a treatment technique or process that
14 would be employed to attain the maximum
15 contaminant level or levels; and

16 “(ii) the combination of technology,
17 treatment techniques, or other means re-
18 quired to meet the level or levels shall not
19 be more stringent than is feasible (as de-
20 fined in paragraph (4)(D)).

21 “(6) ADDITIONAL HEALTH RISK REDUCTION
22 AND COST CONSIDERATIONS.—

23 “(A) IN GENERAL.—Notwithstanding para-
24 graph (4), if the Administrator determines
25 based on an analysis conducted under para-

graph (3)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

“(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

“(i) persons served by large public water systems; and

“(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e);

would justify the costs to the systems of complying with the regulation. This subparagraph

1 shall not apply if the contaminant is found al-
2 most exclusively in small systems (as defined in
3 section 1415(e)).

4 “(C) DISINFECTANTS AND DISINFECTION
5 BYPRODUCTS.—The Administrator may not use
6 the authority of this paragraph to establish a
7 maximum contaminant level in a Stage I or
8 Stage II national primary drinking water regu-
9 lation for contaminants that are disinfectants
10 or disinfection byproducts (as described in para-
11 graph (2)), or to establish a maximum contami-
12 nant level or treatment technique requirement
13 for the control of cryptosporidium. The author-
14 ity of this paragraph may be used to establish
15 regulations for the use of disinfection by sys-
16 tems relying on ground water sources as re-
17 quired by paragraph (8).

18 “(D) JUDICIAL REVIEW.—A determination
19 by the Administrator that the benefits of a
20 maximum contaminant level or treatment re-
21 quirement justify or do not justify the costs of
22 complying with the level shall be reviewed by
23 the court pursuant to section 1448 only as part
24 of a review of a final national primary drinking
25 water regulation that has been promulgated

1 based on the determination and shall not be set
2 aside by the court under that section, unless the
3 court finds that the determination is arbitrary
4 and capricious.”.

5 (b) DISINFECTANTS AND DISINFECTION BYPROD-
6 UCTS.—The Administrator of the Environmental Protec-
7 tion Agency may use the authority of section 1412(b)(5)
8 of the Public Health Service Act (as amended by sub-
9 section (a)) to promulgate the Stage I rulemaking for dis-
10 infectants and disinfection byproducts as proposed in vol-
11 ume 59, Federal Register, page 38668 (July 29, 1994).
12 Unless new information warrants a modification of the
13 proposal as provided for in the ‘Disinfection and Disinfec-
14 tion Byproducts Negotiated Rulemaking Committee
15 Agreement’, nothing in such section shall be construed to
16 require the Administrator to modify the provisions of the
17 rulemaking as proposed.

18 (c) REVIEW OF STANDARDS.—Section 1412(b) (42
19 U.S.C. 300g–1(b)) is amended by striking paragraph (9)
20 and inserting the following:

21 “(9) REVIEW AND REVISION.—The Adminis-
22 trator shall, not less often than every 6 years, review
23 and revise, as appropriate, each national primary
24 drinking water regulation promulgated under this
25 title. Any revision of a national primary drinking

1 water regulation shall be promulgated in accordance
2 with this section, except that each revision shall
3 maintain or provide for greater protection of the
4 health of persons.”.

5 **SEC. 7. ARSENIC.**

6 Section 1412(b) (42 U.S.C. 300g-1(b)) is amended
7 by adding at the end the following:

8 “(12) ARSENIC.—

9 “(A) SCHEDULE AND STANDARD.—Not-
10 withstanding paragraph (2), the Administrator
11 shall promulgate a national primary drinking
12 water regulation for arsenic in accordance with
13 the schedule established by this paragraph and
14 pursuant to this subsection.

15 “(B) RESEARCH PLAN.—Not later than
16 180 days after the date of enactment of this
17 paragraph, the Administrator shall develop a
18 comprehensive plan for research in support of
19 drinking water rulemaking to reduce the uncer-
20 tainty in assessing health risks associated with
21 exposure to low levels of arsenic. The Adminis-
22 trator shall consult with the Science Advisory
23 Board established by section 8 of the Environ-
24 mental Research, Development, and Dem-
25 onstration Act of 1978 (42 U.S.C. 4365), other

1 Federal agencies, and interested public and pri-
2 vate entities.

3 “(C) RESEARCH PROJECTS.—The Admin-
4 istrator shall carry out the research plan, tak-
5 ing care to avoid duplication of other research
6 in progress. The Administrator may enter into
7 cooperative research agreements with other
8 Federal agencies, State and local governments,
9 and other interested public and private entities
10 to carry out the research plan.

11 “(D) ASSESSMENT.—Not later than 3½
12 years after the date of enactment of this para-
13 graph, the Administrator shall review the
14 progress of the research to determine whether
15 the health risks associated with exposure to low
16 levels of arsenic are sufficiently well understood
17 to proceed with a national primary drinking
18 water regulation. The Administrator shall con-
19 sult with the Science Advisory Board, other
20 Federal agencies, and other interested public
21 and private entities as part of the review.

22 “(E) PROPOSED REGULATION.—The Ad-
23 ministrator shall propose a national primary
24 drinking water regulation for arsenic not later
25 than January 1, 2000.

1 “(F) FINAL REGULATION.—Not later than
2 January 1, 2001, after notice and opportunity
3 for public comment, the Administrator shall
4 promulgate a national primary drinking water
5 regulation for arsenic.”.

6 **SEC. 8. RADON.**

7 Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended
8 by section 7) is further amended by adding at the end
9 the following:

10 “(13) RADON IN DRINKING WATER.—

11 “(A) REGULATION.—Notwithstanding
12 paragraph (2), not later than 180 days after
13 the date of enactment of this paragraph, the
14 Administrator shall promulgate a national pri-
15 mary drinking water regulation for radon.

16 “(B) MAXIMUM CONTAMINANT LEVEL.—
17 Notwithstanding any other provision of law, the
18 regulation shall provide for a maximum con-
19 taminant level for radon of 3,000 picocuries per
20 liter.

21 “(C) REVISION.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), a revision to the regulation promul-
24 gated under subparagraph (A) may be
25 made pursuant to this subsection.

1 “(ii) MAXIMUM CONTAMINANT
2 LEVEL.—

3 “(I) CRITERIA FOR REVISION.—

4 The Administrator shall not revise the
5 maximum contaminant level for radon
6 to a more stringent level than the
7 level established under subparagraph
8 (B) unless—

9 “(aa) the revision is made to
10 reflect consideration of risks from
11 the ingestion of radon in drinking
12 water and episodic uses of drink-
13 ing water;

14 “(bb) the revision is sup-
15 ported by peer-reviewed scientific
16 studies conducted in accordance
17 with sound and objective sci-
18 entific practices; and

19 “(cc) based on the studies,
20 the National Academy of
21 Sciences and the Science Advi-
22 sory Board, established by sec-
23 tion 8 of the Environmental Re-
24 search, Development, and Dem-
25 onstration Act of 1978 (42

1 U.S.C. 4365), consider a revision
2 of the maximum contaminant
3 level to be appropriate.

4 “(II) AMOUNT OF REVISION.—If
5 the Administrator determines to revise
6 the maximum contaminant level for
7 radon in accordance with subclause
8 (I), the maximum contaminant level
9 shall be revised to a level that is no
10 more stringent than is necessary to
11 reduce risks to human health from
12 radon in drinking water to a level that
13 is equivalent to risks to human health
14 from radon in outdoor air based on
15 the national average concentration of
16 radon in outdoor air.”.

17 **SEC. 9. SULFATE.**

18 Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended
19 by section 8) is further amended by adding at the end
20 the following:

21 “(14) SULFATE.—

22 “(A) IN GENERAL.—In the absence of sci-
23 entific evidence suggesting new or more serious
24 health effects than are suggested by the evi-
25 dence available on the date of enactment of this

1 paragraph, for the purposes of promulgation of
2 a national primary drinking water regulation
3 for sulfate, notwithstanding the requirements of
4 paragraphs (4) and (7), the Administrator shall
5 specify in the regulation—

6 “(i) a requirement for best technology
7 or other means under this subsection; and

8 “(ii) requirements for public notifica-
9 tion and options for the provision of alter-
10 native water supplies to populations at risk
11 as an alternative means of complying with
12 the regulation.

13 “(B) SCHEDULE.—Notwithstanding para-
14 graph (2), the regulation referred to in sub-
15 paragraph (A) shall be promulgated not later
16 than 2 years after the date of enactment of this
17 paragraph.

18 “(C) AUTHORITY.—Paragraph (6) shall
19 apply to the national primary drinking water
20 regulation for sulfate first promulgated after
21 the date of enactment of this paragraph only if
22 the Administrator repropose the national pri-
23 mary drinking water regulation for sulfate after
24 that date based on evidence suggesting new or

1 more serious health effects as described in sub-
2 paragraph (A).

3 “(D) EFFECT ON OTHER LAWS.—

4 “(i) FEDERAL LAWS.—Notwithstand-
5 ing part C, section 311 of the Federal
6 Water Pollution Control Act (33 U.S.C.
7 1321), subtitle C or D of the Solid Waste
8 Disposal Act (42 U.S.C. 6921 et seq.), or
9 section 107 or 121(d) of the Comprehen-
10 sive Environmental Response, Compensa-
11 tion, and Liability Act of 1980 (42 U.S.C.
12 9607 and 9621(d)), no national primary
13 drinking water regulation for sulfate shall
14 be—

15 “(I) used as a standard for deter-
16 mining compliance with any provision
17 of any law other than this subsection;

18 “(II) used as a standard for de-
19 termining appropriate cleanup levels
20 or whether cleanup should be under-
21 taken with respect to any facility or
22 site;

23 “(III) considered to be an appli-
24 cable or relevant and appropriate re-
25 quirement for any such cleanup; or

1 “(IV) used for the purpose of de-
2 fining injury to a natural resource;
3 unless the Administrator, by rule and after
4 notice and opportunity for public comment,
5 determines that the regulation is appro-
6 priate for a use described in subclause (I),
7 (II), (III), or (IV).

8 “(ii) STATE LAWS.—This subpara-
9 graph shall not affect any requirement of
10 State law, including the applicability of
11 any State standard similar to the regula-
12 tion published under this paragraph as a
13 standard for any cleanup action, compli-
14 ance action, or natural resource damage
15 action taken pursuant to such a law.”.

16 **SEC. 10. FILTRATION AND DISINFECTION.**

17 (a) FILTRATION TECHNOLOGY FOR SMALL SYS-
18 TEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g-
19 1(b)(7)(C)) is amended by adding at the end the following:

20 “(v) FILTRATION TECHNOLOGY FOR
21 SMALL SYSTEMS.—At the same time as the
22 Administrator proposes an Interim En-
23 hanced Surface Water Treatment Rule
24 pursuant to paragraph (2)(C)(ii), the Ad-
25 ministrator shall propose a regulation that

1 describes treatment techniques that meet
2 the requirements for filtration pursuant to
3 this subparagraph and are feasible for
4 community water systems serving a popu-
5 lation of 3,300 or fewer and noncommunity
6 water systems.”.

7 (b) GROUND WATER DISINFECTION.—The first sen-
8 tence of section 1412(b)(8) (42 U.S.C. 300g-1(b)(8)) is
9 amended—

10 (1) by striking “Not later than 36 months after
11 the enactment of the Safe Drinking Water Act
12 Amendments of 1986, the Administrator shall pro-
13 pose and promulgate” and inserting “At the time
14 that the Administrator promulgates a Stage II rule-
15 making for disinfectants and disinfection byproducts
16 (as described in paragraph (2)), the Administrator
17 shall also promulgate”; and

18 (2) by striking the period at the end and insert-
19 ing the following: “, including surface water systems
20 and, as necessary, ground water systems. After con-
21 sultation with the States, the Administrator shall (as
22 part of the regulations) promulgate criteria that the
23 Administrator, or a State that has primary enforce-
24 ment responsibility under section 1413, shall apply
25 to determine whether disinfection shall be required

1 as a treatment technique for any public water sys-
2 tem served by ground water.”.

3 **SEC. 11. EFFECTIVE DATE FOR REGULATIONS.**

4 Section 1412(b) (42 U.S.C. 300g-1(b)) is amended
5 by striking paragraph (10) and inserting the following:

6 “(10) EFFECTIVE DATE.—A national primary
7 drinking water regulation promulgated under this
8 section shall take effect on the date that is 3 years
9 after the date on which the regulation is promul-
10 gated unless the Administrator determines that an
11 earlier date is practicable, except that the Adminis-
12 trator, or a State in the case of an individual sys-
13 tem, may allow up to 2 additional years to comply
14 with a maximum contaminant level or treatment
15 technique if the Administrator or State determines
16 that additional time is necessary for capital improve-
17 ments.”.

18 **SEC. 12. TECHNOLOGY AND TREATMENT TECHNIQUES;**

19 **TECHNOLOGY CENTERS.**

20 (a) SYSTEM TREATMENT TECHNOLOGIES.—Section
21 1412(b) (42 U.S.C. 300g-1(b)) (as amended by section
22 9) is further amended by adding at the end the following:

23 “(15) SYSTEM TREATMENT TECHNOLOGIES.—

24 “(A) GUIDANCE OR REGULATIONS.—

1 “(i) IN GENERAL.—At the same time
2 as the Administrator promulgates a na-
3 tional primary drinking regulation pursu-
4 ant to this section, the Administrator shall
5 issue guidance or regulations describing all
6 treatment technologies for the contaminant
7 that is the subject of the regulation that
8 are feasible with the use of best tech-
9 nology, treatment techniques, or other
10 means that the Administrator finds, after
11 examination for efficacy under field condi-
12 tions and not solely under laboratory con-
13 ditions, are available taking cost into con-
14 sideration for public water systems serv-
15 ing—

16 “(I) a population of 10,000 or
17 fewer but more than 3,300;

18 “(II) a population of 3,300 or
19 fewer but more than 500; and

20 “(III) a population of 500 or
21 fewer but more than 25.

22 “(ii) CONTENTS.—The guidance or
23 regulations shall identify the effectiveness
24 of the technology, the cost of the tech-
25 nology, and other factors related to the use

1 of the technology, including requirements
2 for the quality of source water to ensure
3 adequate protection of human health, con-
4 sidering removal efficiencies of the tech-
5 nology, and installation and operation and
6 maintenance requirements for the tech-
7 nology.

8 “(iii) LIMITATION.—The Adminis-
9 trator shall not issue guidance or regula-
10 tions for a technology under this para-
11 graph unless the technology adequately
12 protects human health, considering the ex-
13 pected useful life of the technology and the
14 source waters available to systems for
15 which the technology is considered to be
16 feasible.

17 “(B) REGULATIONS AND GUIDANCE.—Not
18 later than 2 years after the date of enactment
19 of this paragraph and after consultation with
20 the States, the Administrator shall issue guid-
21 ance or regulations under subparagraph (A) for
22 each national primary drinking water regulation
23 promulgated prior to the date of enactment of
24 this paragraph for which a variance may be
25 granted under section 1415(e). The Adminis-

1 trator may, at any time after a national pri-
2 mary drinking water regulation has been pro-
3 mulgated, issue guidance or regulations describ-
4 ing additional or new or innovative treatment
5 technologies that meet the requirements of sub-
6 paragraph (A) for public water systems de-
7 scribed in subparagraph (A)(i) that are subject
8 to the regulation.

9 “(C) NO SPECIFIED TECHNOLOGY.—A de-
10 scription under subparagraph (A) of the best
11 technology or other means available shall not be
12 considered to require or authorize that the spec-
13 ified technology or other means be used for the
14 purpose of meeting the requirements of any na-
15 tional primary drinking water regulation.”.

16 (b) TECHNOLOGIES AND TREATMENT TECHNIQUES

17 FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (as
18 amended by section 6(a)) is further amended by adding
19 at the end the following: “The Administrator shall include
20 in the list any technology, treatment technique, or other
21 means that is feasible for small public water systems serv-
22 ing—

23 “(i) a population of 10,000 or fewer
24 but more than 3,300;

1 “(ii) a population of 3,300 or fewer
2 but more than 500; and

3 “(iii) a population of 500 or fewer but
4 more than 25;

5 and that achieves compliance with the maxi-
6 mum contaminant level, including packaged or
7 modular systems and point-of-entry treatment
8 units that are controlled by the public water
9 system to ensure proper operation and mainte-
10 nance and compliance with the maximum con-
11 taminant level and equipped with mechanical
12 warnings to ensure that customers are auto-
13 matically notified of operational problems.”.

14 (c) AVAILABILITY OF INFORMATION ON SMALL SYS-
15 TEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j-4)
16 is amended by adding at the end the following:

17 “(g) AVAILABILITY OF INFORMATION ON SMALL SYS-
18 TEM TECHNOLOGIES.—For purposes of paragraphs
19 (4)(E) and (15) of section 1412(b), the Administrator
20 may request information on the characteristics of commer-
21 cially available treatment systems and technologies, in-
22 cluding the effectiveness and performance of the systems
23 and technologies under various operating conditions. The
24 Administrator may specify the form, content, and date by
25 which information shall be submitted by manufacturers,

1 States, and other interested persons for the purpose of
2 considering the systems and technologies in the develop-
3 ment of regulations or guidance under paragraph (4)(E)
4 or (15) of section 1412(b).”.

5 (d) SMALL WATER SYSTEMS TECHNOLOGY CEN-
6 TERS.—Section 1442 (42 U.S.C. 300j-1) is amended by
7 adding at the end the following:

8 “(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY
9 ASSISTANCE CENTERS.—

10 “(1) GRANT PROGRAM.—The Administrator is
11 authorized to make grants to institutions of higher
12 learning to establish and operate not fewer than 5
13 small public water system technology assistance cen-
14 ters in the United States.

15 “(2) RESPONSIBILITIES OF THE CENTERS.—
16 The responsibilities of the small public water system
17 technology assistance centers established under this
18 subsection shall include the conduct of research,
19 training, and technical assistance relating to the in-
20 formation, performance, and technical needs of small
21 public water systems or public water systems that
22 serve Indian Tribes.

23 “(3) APPLICATIONS.—Any institution of higher
24 learning interested in receiving a grant under this
25 subsection shall submit to the Administrator an ap-

1 plication in such form and containing such informa-
2 tion as the Administrator may require by regulation.

3 “(4) SELECTION CRITERIA.—The Administrator
4 shall select recipients of grants under this subsection
5 on the basis of the following criteria:

6 “(A) The small public water system tech-
7 nology assistance center shall be located in a
8 State that is representative of the needs of the
9 region in which the State is located for address-
10 ing the drinking water needs of rural small
11 communities or Indian Tribes.

12 “(B) The grant recipient shall be located
13 in a region that has experienced problems with
14 rural water supplies.

15 “(C) There is available to the grant recipi-
16 ent for carrying out this subsection dem-
17 onstrated expertise in water resources research,
18 technical assistance, and training.

19 “(D) The grant recipient shall have the ca-
20 pability to provide leadership in making na-
21 tional and regional contributions to the solution
22 of both long-range and intermediate-range rural
23 water system technology management problems.

24 “(E) The grant recipient shall have a dem-
25 onstrated interdisciplinary capability with ex-

1 pertise in small public water system technology
2 management and research.

3 “(F) The grant recipient shall have a dem-
4 onstrated capability to disseminate the results
5 of small public water system technology re-
6 search and training programs through an inter-
7 disciplinary continuing education program.

8 “(G) The projects that the grant recipient
9 proposes to carry out under the grant are nec-
10 essary and appropriate.

11 “(H) The grant recipient has regional sup-
12 port beyond the host institution.

13 “(I) The grant recipient shall include the
14 participation of water resources research insti-
15 tutes established under section 104 of the
16 Water Resources Research Act of 1984 (42
17 U.S.C. 10303).

18 “(5) ALASKA.—For purposes of this subsection,
19 the State of Alaska shall be considered to be a re-
20 gion.

21 “(6) CONSORTIA OF STATES.—At least 2 of the
22 grants under this subsection shall be made to con-
23 sortia of States with low population densities. In this
24 paragraph, the term ‘consortium of States with low
25 population densities’ means a consortium of States,

1 each State of which has an average population den-
2 sity of less than 12.3 persons per square mile, based
3 on data for 1993 from the Bureau of the Census.

4 “(7) ADDITIONAL CONSIDERATIONS.—At least
5 one center established under this subsection shall
6 focus primarily on the development and evaluation of
7 new technologies and new combinations of existing
8 technologies that are likely to provide more reliable
9 or lower cost options for providing safe drinking
10 water. This center shall be located in a geographic
11 region of the country with a high density of small
12 systems, at a university with an established record
13 of developing and piloting small treatment tech-
14 nologies in cooperation with industry, States, com-
15 munities, and water system associations.

16 “(8) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to make
18 grants under this subsection \$10,000,000 for each
19 of fiscal years 1995 through 2003.”.

20 **SEC. 13. VARIANCES AND EXEMPTIONS.**

21 (a) TECHNOLOGY AND TREATMENT TECHNIQUES
22 FOR SYSTEMS ISSUED VARIANCES.—The second sentence
23 of section 1415(a)(1)(A) (42 U.S.C. 300g-4(a)(1)(A)) is
24 amended—

1 (1) by striking “only be issued to a system after
2 the system’s application of” and inserting “be issued
3 to a system on condition that the system install”;
4 and

5 (2) by inserting before the period at the end the
6 following: “, and based upon an evaluation satisfac-
7 tory to the State that indicates that alternative
8 sources of water are not reasonably available to the
9 system”.

10 (b) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g–
11 5) is amended—

12 (1) in subsection (a)(1)—

13 (A) by inserting after “(which may include
14 economic factors” the following: “, including
15 qualification of the public water system as a
16 system serving a disadvantaged community pur-
17 suant to section 1473(e)(1)”;

18 (B) by inserting after “treatment tech-
19 nique requirement,” the following: “or to imple-
20 ment measures to develop an alternative source
21 of water supply,”;

22 (2) in subsection (b)(1)(A)—

23 (A) by striking “(including increments of
24 progress)” and inserting “(including increments

1 of progress or measures to develop an alter-
2 native source of water supply)”; and

3 (B) by striking “requirement and treat-
4 ment” and inserting “requirement or treat-
5 ment”; and

6 (3) in subsection (b)(2)—

7 (A) by striking “(except as provided in
8 subparagraph (B))” in subparagraph (A) and
9 all that follows through “3 years after the date
10 of the issuance of the exemption if” in subpara-
11 graph (B) and inserting the following: “not
12 later than 3 years after the otherwise applicable
13 compliance date established in section
14 1412(b)(10).

15 “(B) No exemption shall be granted unless”;

16 (B) in subparagraph (B)(i), by striking
17 “within the period of such exemption” and in-
18 serting “prior to the date established pursuant
19 to section 1412(b)(10)”;

20 (C) in subparagraph (B)(ii), by inserting
21 after “such financial assistance” the following:
22 “or assistance pursuant to part G, or any other
23 Federal or State program is reasonably likely to
24 be available within the period of the exemp-
25 tion”;

1 (D) in subparagraph (C)—

2 (i) by striking “500 service connec-
3 tions” and inserting “a population of
4 3,300”; and

5 (ii) by inserting “, but not to exceed
6 a total of 6 years,” after “for one or more
7 additional 2-year periods”; and

8 (E) by adding at the end the following:

9 “(D) LIMITATION.—A public water system
10 may not receive an exemption under this section
11 if the system was granted a variance under sec-
12 tion 1415(e).”.

13 **SEC. 14. SMALL SYSTEMS; TECHNICAL ASSISTANCE.**

14 (a) SMALL SYSTEM VARIANCES.—Section 1415 (42
15 U.S.C. 300g-4) is amended by adding at the end the fol-
16 lowing:

17 “(e) SMALL SYSTEM VARIANCES.—

18 “(1) IN GENERAL.—The Administrator (or a
19 State with primary enforcement responsibility for
20 public water systems under section 1413) may grant
21 to a public water system serving a population of
22 10,000 or fewer (referred to in this subsection as a
23 ‘small system’) a variance under this subsection for
24 compliance with a requirement specifying a maxi-
25 mum contaminant level or treatment technique con-

1 tained in a national primary drinking water regula-
2 tion, if the variance meets each requirement of this
3 subsection.

4 “(2) AVAILABILITY OF VARIANCES.—A small
5 system may receive a variance under this subsection
6 if the system installs, operates, and maintains, in ac-
7 cordance with guidance or regulations issued by the
8 Administrator, treatment technology that is feasible
9 for small systems as determined by the Adminis-
10 trator pursuant to section 1412(b)(15).

11 “(3) CONDITIONS FOR GRANTING VARIANCES.—
12 A variance under this subsection shall be available
13 only to a system—

14 “(A) that cannot afford to comply, in ac-
15 cordance with affordability criteria established
16 by the Administrator (or the State in the case
17 of a State that has primary enforcement re-
18 sponsibility under section 1413), with a na-
19 tional primary drinking water regulation, in-
20 cluding compliance through—

21 “(i) treatment;

22 “(ii) alternative source of water sup-
23 ply; or

24 “(iii) restructuring or consolidation
25 (unless the Administrator (or the State in

1 the case of a State that has primary en-
2 forcement responsibility under section
3 1413) makes a written determination that
4 restructuring or consolidation is not fea-
5 sible or appropriate based on other speci-
6 fied public policy considerations); and

7 “(B) for which the Administrator (or the
8 State in the case of a State that has primary
9 enforcement responsibility under section 1413)
10 determines that the terms of the variance en-
11 sure adequate protection of human health, con-
12 sidering the quality of the source water for the
13 system and the removal efficiencies and ex-
14 pected useful life of the treatment technology
15 required by the variance.

16 “(4) APPLICATIONS.—An application for a vari-
17 ance for a national primary drinking water regula-
18 tion under this subsection shall be submitted to the
19 Administrator (or the State in the case of a State
20 that has primary enforcement responsibility under
21 section 1413) not later than the date that is the
22 later of—

23 “(A) 3 years after the date of enactment
24 of this subsection; or

1 “(B) 1 year after the compliance date of
2 the national primary drinking water regulation
3 as established under section 1412(b)(10) for
4 which a variance is requested.

5 “(5) VARIANCE REVIEW AND DECISION.—

6 “(A) TIMETABLE.—The Administrator (or
7 the State in the case of a State that has pri-
8 mary enforcement responsibility under section
9 1413) shall grant or deny a variance not later
10 than 1 year after the date of receipt of the ap-
11 plication.

12 “(B) PENALTY MORATORIUM.—Each pub-
13 lic water system that submits a timely applica-
14 tion for a variance under this subsection shall
15 not be subject to a penalty in an enforcement
16 action under section 1414 for a violation of a
17 maximum contaminant level or treatment tech-
18 nique in the national primary drinking water
19 regulation with respect to which the variance
20 application was submitted prior to the date of
21 a decision to grant or deny the variance.

22 “(6) COMPLIANCE SCHEDULES.—

23 “(A) VARIANCES.—A variance granted
24 under this subsection shall require compliance
25 with the conditions of the variance not later

1 than 3 years after the date on which the vari-
2 ance is granted, except that the Administrator
3 (or the State in the case of a State that has
4 primary enforcement responsibility under sec-
5 tion 1413) may allow up to 2 additional years
6 to comply with a treatment technique, secure an
7 alternative source of water, or restructure if the
8 Administrator (or the State) determines that
9 additional time is necessary for capital improve-
10 ments, or to allow for financial assistance pro-
11 vided pursuant to part G or any other Federal
12 or State program.

13 “(B) DENIED APPLICATIONS.—If the Ad-
14 ministrator (or the State in the case of a State
15 that has primary enforcement responsibility
16 under section 1413) denies a variance applica-
17 tion under this subsection, the public water sys-
18 tem shall come into compliance with the re-
19 quirements of the national primary drinking
20 water regulation for which the variance was re-
21 quested not later than 4 years after the date on
22 which the national primary drinking water reg-
23 ulation was promulgated.

24 “(7) DURATION OF VARIANCES.—

1 “(A) IN GENERAL.—The Administrator (or
2 the State in the case of a State that has pri-
3 mary enforcement responsibility under section
4 1413) shall review each variance granted under
5 this subsection not less often than every 5 years
6 after the compliance date established in the
7 variance to determine whether the system re-
8 mains eligible for the variance and is conform-
9 ing to each condition of the variance.

10 “(B) REVOCATION OF VARIANCES.—The
11 Administrator (or the State in the case of a
12 State that has primary enforcement responsibil-
13 ity under section 1413) shall revoke a variance
14 in effect under this subsection if the Adminis-
15 trator (or the State) determines that—

16 “(i) the system is no longer eligible
17 for a variance;

18 “(ii) the system has failed to comply
19 with any term or condition of the variance,
20 other than a reporting or monitoring re-
21 quirement, unless the failure is caused by
22 circumstances outside the control of the
23 system; or

24 “(iii) the terms of the variance do not
25 ensure adequate protection of human

1 health, considering the quality of source
2 water available to the system and the re-
3 moval efficiencies and expected useful life
4 of the treatment technology required by
5 the variance.

6 “(8) INELIGIBILITY FOR VARIANCES.—A vari-
7 ance shall not be available under this subsection
8 for—

9 “(A) any maximum contaminant level or
10 treatment technique for a contaminant with re-
11 spect to which a national primary drinking
12 water regulation was promulgated prior to Jan-
13 uary 1, 1986; or

14 “(B) a national primary drinking water
15 regulation for a microbial contaminant (includ-
16 ing a bacterium, virus, or other organism) or an
17 indicator or treatment technique for a microbial
18 contaminant.

19 “(9) REGULATIONS AND GUIDANCE.—

20 “(A) IN GENERAL.—Not later than 2 years
21 after the date of enactment of this subsection
22 and in consultation with the States, the Admin-
23 istrator shall promulgate regulations for
24 variances to be granted under this subsection.

25 The regulations shall, at a minimum, specify—

1 “(i) procedures to be used by the Ad-
2 ministrator or a State to grant or deny
3 variances, including requirements for noti-
4 fying the Administrator and consumers of
5 the public water system applying for a
6 variance and requirements for a public
7 hearing on the variance before the variance
8 is granted;

9 “(ii) requirements for the installation
10 and proper operation of treatment tech-
11 nology that is feasible (pursuant to section
12 1412(b)(15)) for small systems and the fi-
13 nancial and technical capability to operate
14 the treatment system, including operator
15 training and certification;

16 “(iii) eligibility criteria for a variance
17 for each national primary drinking water
18 regulation, including requirements for the
19 quality of the source water (pursuant to
20 section 1412(b)(15)(A)); and

21 “(iv) information requirements for
22 variance applications.

23 “(B) AFFORDABILITY CRITERIA.—Not
24 later than 18 months after the date of enact-
25 ment of the Safe Drinking Water Act Amend-

1 ments of 1995, the Administrator, in consulta-
2 tion with the States and the Rural Utilities
3 Service of the Department of Agriculture, shall
4 publish information to assist the States in de-
5 veloping affordability criteria. The affordability
6 criteria shall be reviewed by the States not less
7 often than every 5 years to determine if
8 changes are needed to the criteria.

9 “(10) REVIEW BY THE ADMINISTRATOR.—

10 “(A) IN GENERAL.—The Administrator
11 shall periodically review the program of each
12 State that has primary enforcement responsibil-
13 ity for public water systems under section 1413
14 with respect to variances to determine whether
15 the variances granted by the State comply with
16 the requirements of this subsection. With re-
17 spect to affordability, the determination of the
18 Administrator shall be limited to whether the
19 variances granted by the State comply with the
20 affordability criteria developed by the State.

21 “(B) NOTICE AND PUBLICATION.—If the
22 Administrator determines that variances grant-
23 ed by a State are not in compliance with afford-
24 ability criteria developed by the State and the
25 requirements of this subsection, the Adminis-

1 trator shall notify the State in writing of the
2 deficiencies and make public the determination.

3 “(C) OBJECTIONS TO VARIANCES.—

4 “(i) BY THE ADMINISTRATOR.—The
5 Administrator may review and object to
6 any variance proposed to be granted by a
7 State, if the objection is communicated to
8 the State not later than 90 days after the
9 State proposes to grant the variance. If the
10 Administrator objects to the granting of a
11 variance, the Administrator shall notify the
12 State in writing of each basis for the objec-
13 tion and propose a modification to the
14 variance to resolve the concerns of the Ad-
15 ministrator. The State shall make the rec-
16 ommended modification or respond in writ-
17 ing to each objection. If the State issues
18 the variance without resolving the concerns
19 of the Administrator, the Administrator
20 may overturn the State decision to grant
21 the variance if the Administrator deter-
22 mines that the State decision does not
23 comply with this subsection.

24 “(ii) PETITION BY CONSUMERS.—Not
25 later than 30 days after a State with pri-

1 mary enforcement responsibility for public
2 water systems under section 1413 proposes
3 to grant a variance for a public water sys-
4 tem, any person served by the system may
5 petition the Administrator to object to the
6 granting of a variance. The Administrator
7 shall respond to the petition not later than
8 60 days after the receipt of the petition.
9 The State shall not grant the variance dur-
10 ing the 60-day period. The petition shall be
11 based on comments made by the petitioner
12 during public review of the variance by the
13 State.”.

14 (b) TECHNICAL ASSISTANCE.—Section 1442(g) (42
15 U.S.C. 300j-1(g)) is amended—

16 (1) in the second sentence, by inserting “and
17 multi-State regional technical assistance” after “‘cir-
18 cuit-rider’”; and

19 (2) by striking the third sentence and inserting
20 the following: “The Administrator shall ensure that
21 funds made available for technical assistance pursu-
22 ant to this subsection are allocated among the States
23 equally. Each nonprofit organization receiving assist-
24 ance under this subsection shall consult with the
25 State in which the assistance is to be expended or

1 otherwise made available before using the assistance
 2 to undertake activities to carry out this subsection.
 3 There are authorized to be appropriated to carry out
 4 this subsection \$15,000,000 for each of fiscal years
 5 1992 through 2003.”.

6 **SEC. 15. CAPACITY DEVELOPMENT; FINANCE CENTERS.**

7 Part B (42 U.S.C. 300g et seq.) is amended by add-
 8 ing at the end the following:

9 “CAPACITY DEVELOPMENT

10 “SEC. 1418. (a) STATE AUTHORITY FOR NEW SYS-
 11 TEMS.—Each State shall obtain the legal authority or
 12 other means to ensure that all new community water sys-
 13 tems and new nontransient, noncommunity water systems
 14 commencing operation after October 1, 1998, demonstrate
 15 technical, managerial, and financial capacity with respect
 16 to each national primary drinking water regulation in ef-
 17 fect, or likely to be in effect, on the date of commencement
 18 of operations.

19 “(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

20 “(1) LIST.—Beginning not later than 1 year
 21 after the date of enactment of this section, each
 22 State shall prepare, periodically update, and submit
 23 to the Administrator a list of community water sys-
 24 tems and nontransient, noncommunity water sys-
 25 tems that have a history of significant noncompli-
 26 ance with this title (as defined in guidelines issued

1 prior to the date of enactment of this section or any
2 revisions of the guidelines that have been made in
3 consultation with the States) and, to the extent
4 practicable, the reasons for noncompliance.

5 “(2) REPORT.—Not later than 5 years after the
6 date of enactment of this section and as part of the
7 capacity development strategy of the State, each
8 State shall report to the Administrator on the suc-
9 cess of enforcement mechanisms and initial capacity
10 development efforts in assisting the public water sys-
11 tems listed under paragraph (1) to improve tech-
12 nical, managerial, and financial capacity.

13 “(c) CAPACITY DEVELOPMENT STRATEGY.—

14 “(1) IN GENERAL.—Not later than 4 years
15 after the date of enactment of this section, each
16 State shall develop and implement a strategy to as-
17 sist public water systems in acquiring and maintain-
18 ing technical, managerial, and financial capacity.

19 “(2) CONTENT.—In preparing the capacity de-
20 velopment strategy, the State shall consider, solicit
21 public comment on, and include as appropriate—

22 “(A) the methods or criteria that the State
23 will use to identify and prioritize the public
24 water systems most in need of improving tech-
25 nical, managerial, and financial capacity;

1 “(B) a description of the institutional, reg-
2 ulatory, financial, tax, or legal factors at the
3 Federal, State, or local level that encourage or
4 impair capacity development;

5 “(C) a description of how the State will
6 use the authorities and resources of this title or
7 other means to—

8 “(i) assist public water systems in
9 complying with national primary drinking
10 water regulations;

11 “(ii) encourage the development of
12 partnerships between public water systems
13 to enhance the technical, managerial, and
14 financial capacity of the systems; and

15 “(iii) assist public water systems in
16 the training and certification of operators;

17 “(D) a description of how the State will es-
18 tablish a baseline and measure improvements in
19 capacity with respect to national primary drink-
20 ing water regulations and State drinking water
21 law; and

22 “(E) an identification of the persons that
23 have an interest in and are involved in the de-
24 velopment and implementation of the capacity
25 development strategy (including all appropriate

1 agencies of Federal, State, and local govern-
2 ments, private and nonprofit public water sys-
3 tems, and public water system customers).

4 “(3) REPORT.—Not later than 2 years after the
5 date on which a State first adopts a capacity devel-
6 opment strategy under this subsection, and every 3
7 years thereafter, the head of the State agency that
8 has primary responsibility to carry out this title in
9 the State shall submit to the Governor a report that
10 shall also be available to the public on the efficacy
11 of the strategy and progress made toward improving
12 the technical, managerial, and financial capacity of
13 public water systems in the State.

14 “(d) FEDERAL ASSISTANCE.—

15 “(1) IN GENERAL.—The Administrator shall
16 support the States in developing capacity develop-
17 ment strategies.

18 “(2) INFORMATIONAL ASSISTANCE.—

19 “(A) IN GENERAL.—Not later than 180
20 days after the date of enactment of this section,
21 the Administrator shall—

22 “(i) conduct a review of State capacity
23 development efforts in existence on the
24 date of enactment of this section and pub-
25 lish information to assist States and public

1 water systems in capacity development ef-
2 forts; and

3 “(ii) initiate a partnership with
4 States, public water systems, and the pub-
5 lic to develop information for States on
6 recommended operator certification re-
7 quirements.

8 “(B) PUBLICATION OF INFORMATION.—
9 The Administrator shall publish the information
10 developed through the partnership under sub-
11 paragraph (A)(ii) not later than 18 months
12 after the date of enactment of this section.

13 “(3) VARIANCES AND EXEMPTIONS.—Based on
14 information obtained under subsection (c)(2)(B), the
15 Administrator shall, as appropriate, modify regula-
16 tions concerning variances and exemptions for small
17 public water systems to ensure flexibility in the use
18 of the variances and exemptions. Nothing in this
19 paragraph shall be interpreted, construed, or applied
20 to affect or alter the requirements of section 1415
21 or 1416.

22 “(4) PROMULGATION OF DRINKING WATER
23 REGULATIONS.—In promulgating a national primary
24 drinking water regulation, the Administrator shall
25 include an analysis of the likely effect of compliance

1 with the regulation on the technical, financial, and
2 managerial capacity of public water systems.

3 “(5) GUIDANCE FOR NEW SYSTEMS.—Not later
4 than 2 years after the date of enactment of this sec-
5 tion, the Administrator shall publish guidance devel-
6 oped in consultation with the States describing legal
7 authorities and other means to ensure that all new
8 community water systems and new nontransient,
9 noncommunity water systems demonstrate technical,
10 managerial, and financial capacity with respect to
11 national primary drinking water regulations.

12 “(e) ENVIRONMENTAL FINANCE CENTERS.—

13 “(1) IN GENERAL.—The Administrator shall
14 support the network of university-based Environ-
15 mental Finance Centers in providing training and
16 technical assistance to State and local officials in de-
17 veloping capacity of public water systems.

18 “(2) NATIONAL CAPACITY DEVELOPMENT
19 CLEARINGHOUSE.—Within the Environmental Fi-
20 nance Center network in existence on the date of en-
21 actment of this section, the Administrator shall es-
22 tablish a national public water systems capacity de-
23 velopment clearinghouse to receive, coordinate, and
24 disseminate research and reports on projects funded
25 under this title and from other sources with respect

1 to developing, improving, and maintaining technical,
2 financial, and managerial capacity at public water
3 systems to Federal and State agencies, universities,
4 water suppliers, and other interested persons.

5 “(3) CAPACITY DEVELOPMENT TECHNIQUES.—

6 “(A) IN GENERAL.—The Environmental
7 Finance Centers shall develop and test manage-
8 rial, financial, and institutional techniques—

9 “(i) to ensure that new public water
10 systems have the technical, managerial,
11 and financial capacity before commencing
12 operation;

13 “(ii) to identify public water systems
14 in need of capacity development; and

15 “(iii) to bring public water systems
16 with a history of significant noncompliance
17 with national primary drinking water regu-
18 lations into compliance.

19 “(B) TECHNIQUES.—The techniques may
20 include capacity assessment methodologies,
21 manual and computer-based public water sys-
22 tem rate models and capital planning models,
23 public water system consolidation procedures,
24 and regionalization models.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out subsection
 3 (e) \$2,500,000 for each of fiscal years 1995 through
 4 2003.”.

5 **SEC. 16. OPERATOR AND LABORATORY CERTIFICATION.**

6 Section 1442 (42 U.S.C. 300j-1) is amended by in-
 7 serting after subsection (d) the following:

8 “(e) CERTIFICATION OF OPERATORS AND LABORA-
 9 TORIES.—

10 “(1) REQUIREMENT.—Beginning 3 years after
 11 the date of enactment of the Safe Drinking Water
 12 Act Amendments of 1995—

13 “(A) no assistance may be provided to a
 14 public water system under part G unless the
 15 system has entered into an enforceable commit-
 16 ment with the State providing that any person
 17 who operates the system will be trained and
 18 certified according to requirements established
 19 by the Administrator or the State (in the case
 20 of a State with primary enforcement respon-
 21 sibility under section 1413) not later than the
 22 date of completion of the capital project for
 23 which the assistance is provided; and

24 “(B) a public water system that has re-
 25 ceived assistance under part G may be operated

1 only by a person who has been trained and cer-
2 tified according to requirements established by
3 the Administrator or the State (in the case of
4 a State with primary enforcement responsibility
5 under section 1413).

6 “(2) GUIDELINES.—Not later than 18 months
7 after the date of enactment of the Safe Drinking
8 Water Act Amendments of 1995 and after consulta-
9 tion with the States, the Administrator shall publish
10 information to assist States in carrying out para-
11 graph (1). In the case of a State with primary en-
12 forcement responsibility under section 1413, the au-
13 thority to prescribe the appropriate level of training
14 for certification for all systems shall be solely the re-
15 sponsibility of the State. The guidance issued under
16 this paragraph shall also include information to as-
17 sist States in certifying laboratories engaged in test-
18 ing for the purpose of compliance with sections 1445
19 and 1401(1).

20 “(3) NONCOMPLIANCE.—If a public water sys-
21 tem in a State is not operated in accordance with
22 paragraph (1), the Administrator is authorized to
23 withhold from funds that would otherwise be allo-
24 cated to the State under section 1472 or require the
25 repayment of an amount equal to the amount of any

1 assistance under part G provided to the public water
2 system.”.

3 **SEC. 17. SOURCE WATER QUALITY PROTECTION PARTNER-**
4 **SHIPS.**

5 Part B (42 U.S.C. 300g et seq.) (as amended by sec-
6 tion 15) is further amended by adding at the end the fol-
7 lowing:

8 “SOURCE WATER QUALITY PROTECTION PARTNERSHIP
9 PROGRAM

10 “SEC. 1419. (a) SOURCE WATER AREA
11 DELINEATIONS.—Except as provided in subsection (c),
12 not later than 5 years after the date of enactment of this
13 section, and after an opportunity for public comment, each
14 State shall—

15 “(1) delineate (directly or through delegation)
16 the source water protection areas for community
17 water systems in the State using hydrogeologic
18 information considered to be reasonably available
19 and appropriate by the State; and

20 “(2) conduct, to the extent practicable, vulner-
21 ability assessments in source water areas determined
22 to be a priority by the State, including, to the extent
23 practicable, identification of risks in source water
24 protection areas to drinking water.

25 “(b) ALTERNATIVE DELINEATIONS AND
26 VULNERABILITY ASSESSMENTS.—For the purposes of

1 satisfying the requirements of subsection (a), a State may
2 use delineations and vulnerability assessments conducted
3 for—

4 “(1) ground water sources under a State well-
5 head protection program developed pursuant to sec-
6 tion 1428;

7 “(2) surface or ground water sources under a
8 State pesticide management plan developed pursuant
9 to the Pesticide and Ground Water State Manage-
10 ment Plan Regulation (subparts I and J of part 152
11 of title 40, Code of Federal Regulations), promul-
12 gated under section 3(d) of the Federal Insecticide,
13 Fungicide, and Rodenticide Act (7 U.S.C. 136a(d));
14 or

15 “(3) surface water sources under a State water-
16 shed initiative or to satisfy the watershed criterion
17 for determining if filtration is required under the
18 Surface Water Treatment Rule (section 141.70 of
19 title 40, Code of Federal Regulations).

20 “(c) FUNDING.—To carry out the delineations and
21 assessments described in subsection (a), a State may use
22 funds made available for that purpose pursuant to section
23 1473(f). If funds available under that section are insuffi-
24 cient to meet the minimum requirements of subsection (a),

1 the State shall establish a priority-based schedule for the
2 delineations and assessments within available resources.

3 “(d) PETITION PROGRAM.—

4 “(1) IN GENERAL.—

5 “(A) ESTABLISHMENT.—A State may es-
6 tablish a program under which an owner or op-
7 erator of a community water system in the
8 State, or a municipal or local government or
9 political subdivision of a government in the
10 State, may submit a source water quality pro-
11 tection partnership petition to the State re-
12 questing that the State assist in the local devel-
13 opment of a voluntary, incentive-based partner-
14 ship, among the owner, operator, or government
15 and other persons likely to be affected by the
16 recommendations of the partnership, to—

17 “(i) reduce the presence in drinking
18 water of contaminants that may be ad-
19 dressed by a petition by considering the
20 origins of the contaminants, including to
21 the maximum extent practicable the spe-
22 cific activities that affect the drinking
23 water supply of a community;

24 “(ii) obtain financial or technical
25 assistance necessary to facilitate establish-

1 ment of a partnership, or to develop and
2 implement recommendations of a partner-
3 ship for the protection of source water to
4 assist in the provision of drinking water
5 that complies with national primary drink-
6 ing water regulations with respect to
7 contaminants addressed by a petition; and

8 “(iii) develop recommendations re-
9 garding voluntary and incentive-based
10 strategies for the long-term protection of
11 the source water of community water sys-
12 tems.

13 “(B) STATE DETERMINATION.—Not later
14 than 1 year after the date of enactment of this
15 section, each State shall provide public notice
16 and solicit public comment on the question of
17 whether to develop a source water quality pro-
18 tection partnership petition program in the
19 State, and publicly announce the determination
20 of the State thereafter. If so requested by any
21 public water system or local governmental en-
22 tity, prior to making the determination, the
23 State shall hold at least one public hearing to
24 assess the level of interest in the State for de-

1 velopment and implementation of a State source
2 water quality partnership petition program.

3 “(C) FUNDING.—Each State may—

4 “(i) use funds set aside pursuant to
5 section 1473(f) by the State to carry out
6 a program described in subparagraph (A),
7 including assistance to voluntary local
8 partnerships for the development and im-
9 plementation of partnership recommenda-
10 tions for the protection of source water,
11 source water quality assessment, contin-
12 gency plans, and demonstration projects
13 for partners within a source water area de-
14 lineated under subsection (a); and

15 “(ii) provide assistance in response to
16 a petition submitted under this subsection
17 using funds referred to in subsections
18 (e)(2)(B) and (g).

19 “(2) OBJECTIVES.—The objectives of a petition
20 submitted under this subsection shall be to—

21 “(A) facilitate the local development of vol-
22 untary, incentive-based partnerships among
23 owners and operators of community water sys-
24 tems, governments, and other persons in source
25 water areas; and

1 “(B) obtain assistance from the State in
2 directing or redirecting resources under Federal
3 or State water quality programs to implement
4 the recommendations of the partnerships to ad-
5 dress the origins of drinking water contami-
6 nants that may be addressed by a petition (in-
7 cluding to the maximum extent practicable the
8 specific activities) that affect the drinking
9 water supply of a community.

10 “(3) CONTAMINANTS ADDRESSED BY A PETI-
11 TION.—A petition submitted to a State under this
12 section may address only those contaminants—

13 “(A) that are pathogenic organisms for
14 which a national primary drinking water regula-
15 tion has been established or is required under
16 section 1412(b)(2)(C); or

17 “(B) for which a national primary drinking
18 water regulation has been promulgated or pro-
19 posed and—

20 “(i) that are detected in the commu-
21 nity water system for which the petition is
22 submitted at levels above the maximum
23 contaminant level; or

24 “(ii) that are detected by adequate
25 monitoring methods at levels that are not

1 reliably and consistently below the maxi-
2 mum contaminant level.

3 “(4) CONTENTS.—A petition submitted under
4 this subsection shall, at a minimum—

5 “(A) include a delineation of the source
6 water area in the State that is the subject of
7 the petition;

8 “(B) identify, to the maximum extent
9 practicable, the origins of the drinking water
10 contaminants that may be addressed by a peti-
11 tion (including to the maximum extent prac-
12 ticable the specific activities contributing to the
13 presence of the contaminants) in the source
14 water area delineated under subparagraph (A);

15 “(C) identify any deficiencies in
16 information that will impair the development of
17 recommendations by the voluntary local part-
18 nership to address drinking water contaminants
19 that may be addressed by a petition;

20 “(D) specify the efforts made to establish
21 the voluntary local partnership and obtain the
22 participation of—

23 “(i) the municipal or local government
24 or other political subdivision of the State

1 with jurisdiction over the source water area
2 delineated under subparagraph (A); and

3 “(ii) each person in the source water
4 area delineated under subparagraph (A)—

5 “(I) who is likely to be affected
6 by recommendations of the voluntary
7 local partnership; and

8 “(II) whose participation is es-
9 sential to the success of the part-
10 nership;

11 “(E) outline how the voluntary local part-
12 nership has or will, during development and im-
13 plementation of recommendations of the vol-
14 untary local partnership, identify, recognize and
15 take into account any voluntary or other activi-
16 ties already being undertaken by persons in the
17 source water area delineated under subpara-
18 graph (A) under Federal or State law to reduce
19 the likelihood that contaminants will occur in
20 drinking water at levels of public health con-
21 cern; and

22 “(F) specify the technical, financial, or
23 other assistance that the voluntary local part-
24 nership requests of the State to develop the

1 partnership or to implement recommendations
2 of the partnership.

3 “(e) APPROVAL OR DISAPPROVAL OF PETITIONS.—

4 “(1) IN GENERAL.—After providing notice and
5 an opportunity for public comment on a petition
6 submitted under subsection (d), the State shall ap-
7 prove or disapprove the petition, in whole or in part,
8 not later than 120 days after the date of submission
9 of the petition.

10 “(2) APPROVAL.—The State may approve a pe-
11 tition if the petition meets the requirements estab-
12 lished under subsection (d). The notice of approval
13 shall, at a minimum, include—

14 “(A) an identification of technical, finan-
15 cial, or other assistance that the State will pro-
16 vide to assist in addressing the drinking water
17 contaminants that may be addressed by a peti-
18 tion based on—

19 “(i) the relative priority of the public
20 health concern identified in the petition
21 with respect to the other water quality
22 needs identified by the State;

23 “(ii) any necessary coordination that
24 the State will perform of the program es-
25 tablished under this section with programs

1 implemented or planned by other States
2 under this section; and

3 “(iii) funds available (including funds
4 available from a State revolving loan fund
5 established under title VI of the Federal
6 Water Pollution Control Act (33 U.S.C.
7 1381 et seq.) or part G and the appro-
8 priate distribution of the funds to assist in
9 implementing the recommendations of the
10 partnership;

11 “(B) a description of technical or financial
12 assistance pursuant to Federal and State pro-
13 grams that is available to assist in
14 implementing recommendations of the partner-
15 ship in the petition, including—

16 “(i) any program established under
17 the Federal Water Pollution Control Act
18 (33 U.S.C. 1251 et seq.);

19 “(ii) the program established under
20 section 6217 of the Coastal Zone Act
21 Reauthorization Amendments of 1990 (16
22 U.S.C. 1455b);

23 “(iii) the agricultural water quality
24 protection program established under chap-
25 ter 2 of subtitle D of title XII of the Food

1 Security Act of 1985 (16 U.S.C. 3838 et
2 seq.);

3 “(iv) the sole source aquifer protection
4 program established under section 1427;

5 “(v) the community wellhead protec-
6 tion program established under section
7 1428;

8 “(vi) any pesticide or ground water
9 management plan; and

10 “(vii) any abandoned well closure
11 program; and

12 “(C) a description of activities that will be
13 undertaken to coordinate Federal and State
14 programs to respond to the petition.

15 “(3) DISAPPROVAL.—If the State disapproves a
16 petition submitted under subsection (d), the State
17 shall notify the entity submitting the petition in
18 writing of the reasons for disapproval. A petition
19 may be resubmitted at any time if—

20 “(A) new information becomes available;

21 “(B) conditions affecting the source water
22 that is the subject of the petition change; or

23 “(C) modifications are made in the type of
24 assistance being requested.

1 “(f) ELIGIBILITY FOR WATER QUALITY PROTECTION
2 ASSISTANCE.—A sole source aquifer plan developed under
3 section 1427, a wellhead protection plan developed under
4 section 1428, and a source water quality protection meas-
5 ure assisted in response to a petition submitted under sub-
6 section (d) shall be eligible for assistance under the Fed-
7 eral Water Pollution Control Act (33 U.S.C. 1251 et seq.),
8 including assistance provided under section 319 and title
9 VI of such Act (33 U.S.C. 1329 and 1381 et seq.), if the
10 project, measure, or practice would be eligible for assist-
11 ance under such Act. In the case of funds made available
12 under such section 319 to assist a source water quality
13 protection measure in response to a petition submitted
14 under subsection (d), the funds may be used only for a
15 measure that addresses nonpoint source pollution.

16 “(g) GRANTS TO SUPPORT STATE PROGRAMS.—

17 “(1) IN GENERAL.—The Administrator may
18 make a grant to each State that establishes a
19 program under this section that is approved under
20 paragraph (2). The amount of each grant shall not
21 exceed 50 percent of the cost of administering the
22 program for the year in which the grant is available.

23 “(2) APPROVAL.—In order to receive grant
24 assistance under this subsection, a State shall sub-
25 mit to the Administrator for approval a plan for a

1 source water quality protection partnership program
2 that is consistent with the guidance published under
3 paragraph (3). The Administrator shall approve the
4 plan if the plan is consistent with the guidance pub-
5 lished under paragraph (3).

6 “(3) GUIDANCE.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this section, the
9 Administrator shall publish guidance to assist—

10 “(i) States in the development of a
11 source water quality protection partnership
12 program; and

13 “(ii) municipal or local governments
14 or political subdivisions of the governments
15 and community water systems in the devel-
16 opment of source water quality protection
17 partnerships and in the assessment of
18 source water quality.

19 “(B) CONTENTS OF THE GUIDANCE.—The
20 guidance shall, at a minimum—

21 “(i) recommend procedures for the ap-
22 proval or disapproval by a State of a peti-
23 tion submitted under subsection (d);

1 “(ii) recommend procedures for the
2 submission of petitions developed under
3 subsection (d);

4 “(iii) recommend criteria for the
5 delineation of source water areas within a
6 State;

7 “(iv) describe technical or financial
8 assistance pursuant to Federal and State
9 programs that is available to address the
10 contamination of sources of drinking water
11 and to develop and respond to petitions
12 submitted under subsection (d); and

13 “(v) specify actions taken by the
14 Administrator to ensure the coordination
15 of the programs referred to in clause (iv)
16 with the goals and objectives of this title to
17 the maximum extent practicable.

18 “(4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this subsection such sums as are necessary for fiscal
21 years 1995 through 2003. Each State with a plan
22 for a program approved under paragraph (2) shall
23 receive an equitable portion of the funds available
24 for any fiscal year.

1 “(h) STATUTORY CONSTRUCTION.—Nothing in this
2 section—

3 “(1)(A) creates or conveys new authority to a
4 State, political subdivision of a State, or community
5 water system for any new regulatory measure; or

6 “(B) limits any existing authority of a State,
7 political subdivision, or community water system; or

8 “(2) precludes a community water system, mu-
9 nicipal or local government, or political subdivision
10 of a government from locally developing and carry-
11 ing out a voluntary, incentive-based, source water
12 quality protection partnership to address the origins
13 of drinking water contaminants of public health con-
14 cern.”.

15 **SEC. 18. STATE PRIMACY; STATE FUNDING.**

16 (a) STATE PRIMARY ENFORCEMENT RESPONSIBIL-
17 ITY.—Section 1413 (42 U.S.C. 300g–2) is amended—

18 (1) in subsection (a), by striking paragraph (1)
19 and inserting the following:

20 “(1) has adopted drinking water regulations
21 that are no less stringent than the national primary
22 drinking water regulations promulgated by the Ad-
23 ministrator under section 1412 not later than 2
24 years after the date on which the regulations are
25 promulgated by the Administrator;”; and

1 (2) by adding at the end the following:

2 “(c) INTERIM PRIMARY ENFORCEMENT AUTHOR-
 3 ITY.—A State that has primary enforcement authority
 4 under this section with respect to each existing national
 5 primary drinking water regulation shall be considered to
 6 have primary enforcement authority with respect to each
 7 new or revised national primary drinking water regulation
 8 during the period beginning on the effective date of a reg-
 9 ulation adopted and submitted by the State with respect
 10 to the new or revised national primary drinking water reg-
 11 ulation in accordance with subsection (b)(1) and ending
 12 at such time as the Administrator makes a determination
 13 under subsection (b)(2) with respect to the regulation.”.

14 (b) PUBLIC WATER SYSTEM SUPERVISION PRO-
 15 GRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is
 16 amended—

17 (1) in paragraph (3)—

18 (A) by striking “(3) A grant” and insert-
 19 ing the following:

20 “(3) AMOUNT OF GRANT.—

21 “(A) IN GENERAL.—A grant”; and

22 (B) by adding at the end the following:

23 “(B) DETERMINATION OF COSTS.—To de-
 24 termine the costs of a grant recipient pursuant
 25 to this paragraph, the Administrator shall, in

1 cooperation with the States and not later than
2 180 days after the date of enactment of this
3 subparagraph, establish a resource model for
4 the public water system supervision program
5 and review and revise the model as necessary.

6 “(C) STATE COST ADJUSTMENTS.—The
7 Administrator shall revise cost estimates used
8 in the resource model for any particular State
9 to reflect costs more likely to be experienced in
10 that State, if—

11 “(i) the State requests the modifica-
12 tion; and

13 “(ii) the revised estimates ensure full
14 and effective administration of the public
15 water system supervision program in the
16 State and the revised estimates do not
17 overstate the resources needed to admin-
18 ister the program.”;

19 (2) in paragraph (7), by adding at the end a
20 period and the following:

21 “For the purpose of making grants under paragraph (1),
22 there are authorized to be appropriated such sums as are
23 necessary for each of fiscal years 1992 and 1993 and
24 \$100,000,000 for each of fiscal years 1994 through
25 2003.”; and

1 (3) by adding at the end the following:

2 “(8) RESERVATION OF FUNDS BY THE ADMIN-
3 ISTRATOR.—If the Administrator assumes the pri-
4 mary enforcement responsibility of a State public
5 water system supervision program, the Adminis-
6 trator may reserve from funds made available pursu-
7 ant to this subsection, an amount equal to the
8 amount that would otherwise have been provided to
9 the State pursuant to this subsection. The Adminis-
10 trator shall use the funds reserved pursuant to this
11 paragraph to ensure the full and effective adminis-
12 tration of a public water system supervision program
13 in the State.

14 “(9) STATE LOAN FUNDS.—

15 “(A) RESERVATION OF FUNDS.—For any
16 fiscal year for which the amount made available
17 to the Administrator by appropriations to carry
18 out this subsection is less than the amount that
19 the Administrator determines is necessary to
20 supplement funds made available pursuant to
21 paragraph (8) to ensure the full and effective
22 administration of a public water system super-
23 vision program in a State (based on the re-
24 source model developed under paragraph
25 (3)(B)), the Administrator may reserve from

1 the funds made available to the State under
2 section 1472 an amount that is equal to the
3 amount of the shortfall.

4 “(B) DUTY OF ADMINISTRATOR.—If the
5 Administrator reserves funds from the alloca-
6 tion of a State under subparagraph (A), the
7 Administrator shall carry out in the State—

8 “(i) each of the activities that would
9 be required of the State if the State had
10 primary enforcement authority under sec-
11 tion 1413; and

12 “(ii) each of the activities required of
13 the State by this title, other than part C,
14 but not made a condition of the author-
15 ity.”.

16 **SEC. 19. MONITORING AND INFORMATION GATHERING.**

17 (a) REGULATED CONTAMINANTS.—

18 (1) REVIEW OF EXISTING REQUIREMENTS.—
19 Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is
20 amended—

21 (A) by designating the first and second
22 sentences as subparagraphs (A) and (B), re-
23 spectively; and

24 (B) by adding at the end the following:

1 “(C) REVIEW.—The Administrator shall
2 not later than 2 years after the date of enact-
3 ment of this subparagraph, after consultation
4 with public health experts, representatives of
5 the general public, and officials of State and
6 local governments, review the monitoring re-
7 quirements for not fewer than 12 contaminants
8 identified by the Administrator, and promulgate
9 any necessary modifications.”.

10 (2) ALTERNATIVE MONITORING PROGRAMS.—
11 Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as
12 amended by paragraph (1)(B)) is further amended
13 by adding at the end the following:

14 “(D) STATE-ESTABLISHED REQUIRE-
15 MENTS.—

16 “(i) IN GENERAL.—Each State with
17 primary enforcement responsibility under
18 section 1413 may, by rule, establish alter-
19 native monitoring requirements for any na-
20 tional primary drinking water regulation,
21 other than a regulation applicable to a mi-
22 crobial contaminant (or an indicator of a
23 microbial contaminant). The alternative
24 monitoring requirements established by a
25 State under this clause may not take effect

1 for any national primary drinking water
2 regulation until after completion of at least
3 1 full cycle of monitoring in the State sat-
4 isfying the requirements of paragraphs (1)
5 and (2) of section 1413(a). The alternative
6 monitoring requirements may be applicable
7 to public water systems or classes of public
8 water systems identified by the State, in
9 lieu of the monitoring requirements that
10 would otherwise be applicable under the
11 regulation, if the alternative monitoring re-
12 quirements—

13 “(I) are based on use of the best
14 available science conducted in accord-
15 ance with sound and objective sci-
16 entific practices and data collected by
17 accepted methods;

18 “(II) are based on the potential
19 for the contaminant to occur in the
20 source water based on use patterns
21 and other relevant characteristics of
22 the contaminant or the systems sub-
23 ject to the requirements;

24 “(III) in the case of a public
25 water system or class of public water

1 systems in which a contaminant has
2 been detected at quantifiable levels
3 that are not reliably and consistently
4 below the maximum contaminant
5 level, include monitoring frequencies
6 that are not less frequent than the
7 frequencies required in the national
8 primary drinking water regulation for
9 the contaminant for a period of 5
10 years after the detection; and

11 “(IV) in the case of each con-
12 taminant formed in the distribution
13 system, are not applicable to public
14 water systems for which treatment is
15 necessary to comply with the national
16 primary drinking water regulation.

17 “(ii) COMPLIANCE AND ENFORCE-
18 MENT.—The alternative monitoring re-
19 quirements established by the State shall
20 be adequate to ensure compliance with,
21 and enforcement of, each national primary
22 drinking water regulation. The State may
23 review and update the alternative monitor-
24 ing requirements as necessary.

1 “(iii) APPLICATION OF SECTION
2 1413.—

3 “(I) IN GENERAL.—Each State
4 establishing alternative monitoring re-
5 quirements under this subparagraph
6 shall submit the rule to the Adminis-
7 trator as provided in section
8 1413(b)(1). Any requirements for a
9 State to provide information support-
10 ing a submission shall be defined only
11 in consultation with the States, and
12 shall address only such information as
13 is necessary to make a decision to ap-
14 prove or disapprove an alternative
15 monitoring rule in accordance with
16 the following sentence. The Adminis-
17 trator shall approve an alternative
18 monitoring rule submitted under this
19 clause for the purposes of section
20 1413, unless the Administrator deter-
21 mines in writing that the State rule
22 for alternative monitoring does not
23 ensure compliance with, and enforce-
24 ment of, the national primary drink-
25 ing water regulation for the contami-

1 nant or contaminants to which the
2 rule applies.

3 “(II) EXCEPTIONS.—The re-
4 quirements of section 1413(a)(1) that
5 a rule be no less stringent than the
6 national primary drinking water regu-
7 lation for the contaminant or contami-
8 nants to which the rule applies shall
9 not apply to the decision of the Ad-
10 ministrator to approve or disapprove a
11 rule submitted under this clause. Not-
12 withstanding the requirements of sec-
13 tion 1413(b)(2), the Administrator
14 shall approve or disapprove a rule
15 submitted under this clause within
16 180 days of submission. In the ab-
17 sence of a determination to disapprove
18 a rule made by the Administrator
19 within 180 days, the rule shall be
20 deemed to be approved under section
21 1413(b)(2).

22 “(III) ADDITIONAL CONSIDER-
23 ATIONS.—A State shall be considered
24 to have primary enforcement author-
25 ity with regard to an alternative mon-

1 itoring rule, and the rule shall be ef-
2 fective, on a date (determined by the
3 State) any time on or after submis-
4 sion of the rule, consistent with sec-
5 tion 1413(c). A decision by the Ad-
6 ministrator to disapprove an alter-
7 native monitoring rule under section
8 1413 or to withdraw the authority of
9 the State to carry out the rule under
10 clause (iv) may not be the basis for
11 withdrawing primary enforcement re-
12 sponsibility for a national primary
13 drinking water regulation or regula-
14 tions from the State under section
15 1413.

16 “(iv) OVERSIGHT BY THE ADMINIS-
17 TRATOR.—The Administrator shall review,
18 not less often than every 5 years, any al-
19 ternative monitoring requirements estab-
20 lished by a State under clause (i) to deter-
21 mine whether the requirements are ade-
22 quate to ensure compliance with, and en-
23 forcement of, national primary drinking
24 water regulations. If the Administrator de-
25 termines that the alternative monitoring

1 requirements of a State are inadequate
2 with respect to a contaminant, and after
3 providing the State with an opportunity to
4 respond to the determination of the Ad-
5 ministrator and to correct any inadequa-
6 cies, the Administrator may withdraw the
7 authority of the State to carry out the al-
8 ternative monitoring requirements with re-
9 spect to the contaminant. If the Adminis-
10 trator withdraws the authority, the mon-
11 itoring requirements contained in the na-
12 tional primary drinking water regulation
13 for the contaminant shall apply to public
14 water systems in the State.

15 “(v) NONPRIMACY STATES.—The Gov-
16 ernor of any State that does not have pri-
17 mary enforcement responsibility under sec-
18 tion 1413 on the date of enactment of this
19 clause may submit to the Administrator a
20 request that the Administrator modify the
21 monitoring requirements established by the
22 Administrator and applicable to public
23 water systems in that State. After con-
24 sultation with the Governor, the Adminis-
25 trator shall modify the requirements for

1 public water systems in that State if the
2 request of the Governor is in accordance
3 with each of the requirements of this sub-
4 paragraph that apply to alternative mon-
5 itoring requirements established by States
6 that have primary enforcement responsibil-
7 ity. A decision by the Administrator to ap-
8 prove a request under this clause shall be
9 for a period of 3 years and may subse-
10 quently be extended for periods of 5 years.

11 “(vi) GUIDANCE.—The Administrator
12 shall issue guidance in consultation with
13 the States that States may use to develop
14 State-established requirements pursuant to
15 this subparagraph and subparagraph (E).
16 The guidance shall identify options for al-
17 ternative monitoring designs that meet the
18 criteria identified in clause (i) and the re-
19 quirements of clause (ii).”.

20 (3) SMALL SYSTEM MONITORING.—Section
21 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as amended
22 by paragraph (2)) is further amended by adding at
23 the end the following:

24 “(E) SMALL SYSTEM MONITORING.—The
25 Administrator or a State that has primary en-

1 enforcement responsibility under section 1413
2 may modify the monitoring requirements for
3 any contaminant, other than a microbial con-
4 taminant or an indicator of a microbial con-
5 taminant, a contaminant regulated on the basis
6 of an acute health effect, or a contaminant
7 formed in the treatment process or in the dis-
8 tribution system, to provide that any public
9 water system that serves a population of 10,000
10 or fewer shall not be required to conduct addi-
11 tional quarterly monitoring during any 3-year
12 period for a specific contaminant if monitoring
13 conducted at the beginning of the period for the
14 contaminant fails to detect the presence of the
15 contaminant in the water supplied by the public
16 water system, and the Administrator or the
17 State determines that the contaminant is un-
18 likely to be detected by further monitoring in
19 the period.”.

20 (b) UNREGULATED CONTAMINANTS.—Section
21 1445(a) (42 U.S.C. 300j–4(a)) is amended by striking
22 paragraphs (2) through (8) and inserting the following:

23 “(2) MONITORING PROGRAM FOR UNREGU-
24 LATED CONTAMINANTS.—

1 “(A) ESTABLISHMENT.—The Adminis-
2 trator shall promulgate regulations establishing
3 the criteria for a monitoring program for un-
4 regulated contaminants. The regulations shall
5 require monitoring of drinking water supplied
6 by public water systems and shall vary the fre-
7 quency and schedule for monitoring require-
8 ments for systems based on the number of per-
9 sons served by the system, the source of supply,
10 and the contaminants likely to be found.

11 “(B) MONITORING PROGRAM FOR CERTAIN
12 UNREGULATED CONTAMINANTS.—

13 “(i) INITIAL LIST.—Not later than 3
14 years after the date of enactment of the
15 Safe Drinking Water Amendments of 1995
16 and every 5 years thereafter, the Adminis-
17 trator shall issue a list pursuant to sub-
18 paragraph (A) of not more than 20 un-
19 regulated contaminants to be monitored by
20 public water systems and to be included in
21 the national drinking water occurrence
22 data base maintained pursuant to para-
23 graph (3).

24 “(ii) GOVERNORS’ PETITION.—The
25 Administrator shall include among the list

1 of contaminants for which monitoring is
2 required under this paragraph each con-
3 taminant recommended in a petition signed
4 by the Governor of each of 7 or more
5 States, unless the Administrator deter-
6 mines that the action would prevent the
7 listing of other contaminants of a higher
8 public health concern.

9 “(C) MONITORING BY LARGE SYSTEMS.—A
10 public water system that serves a population of
11 more than 10,000 shall conduct monitoring for
12 all contaminants listed under subparagraph
13 (B).

14 “(D) MONITORING PLAN FOR SMALL AND
15 MEDIUM SYSTEMS.—

16 “(i) IN GENERAL.—Based on the reg-
17 ulations promulgated by the Administrator,
18 each State shall develop a representative
19 monitoring plan to assess the occurrence of
20 unregulated contaminants in public water
21 systems that serve a population of 10,000
22 or fewer. The plan shall require monitoring
23 for systems representative of different
24 sizes, types, and geographic locations in
25 the State.

1 “(ii) GRANTS FOR SMALL SYSTEM
2 COSTS.—From funds reserved under sec-
3 tion 1478(c), the Administrator shall pay
4 the reasonable cost of such testing and lab-
5 oratory analysis as are necessary to carry
6 out monitoring under the plan.

7 “(E) MONITORING RESULTS.—Each public
8 water system that conducts monitoring of un-
9 regulated contaminants pursuant to this para-
10 graph shall provide the results of the monitor-
11 ing to the primary enforcement authority for
12 the system.

13 “(F) WAIVER OF MONITORING REQUIRE-
14 MENT.—The Administrator shall waive the re-
15 quirement for monitoring for a contaminant
16 under this paragraph in a State, if the State
17 demonstrates that the criteria for listing the
18 contaminant do not apply in that State.

19 “(G) ANALYTICAL METHODS.—The State
20 may use screening methods approved by the
21 Administrator under subsection (h) in lieu of
22 monitoring for particular contaminants under
23 this paragraph.

24 “(H) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There are authorized to be appro-

1 pried to carry out this paragraph
2 \$10,000,000 for each of fiscal years 1995
3 through 2003.”.

4 (c) NATIONAL DRINKING WATER OCCURRENCE
5 DATABASE.—Section 1445(a) (42 U.S.C. 300j–4(a)) (as
6 amended by subsection (b)) is further amended by adding
7 at the end the following:

8 “(3) NATIONAL DRINKING WATER OCCURRENCE
9 DATABASE.—

10 “(A) IN GENERAL.—Not later than 3 years
11 after the date of enactment of the Safe Drink-
12 ing Water Act Amendments of 1995, the Ad-
13 ministrator shall assemble and maintain a na-
14 tional drinking water occurrence data base,
15 using information on the occurrence of both
16 regulated and unregulated contaminants in
17 public water systems obtained under paragraph
18 (2) and reliable information from other public
19 and private sources.

20 “(B) USE.—The data shall be used by the
21 Administrator in making determinations under
22 section 1412(b)(1) with respect to the occur-
23 rence of a contaminant in drinking water at a
24 level of public health concern.

1 “(C) PUBLIC RECOMMENDATIONS.—The
2 Administrator shall periodically solicit rec-
3 ommendations from the appropriate officials of
4 the National Academy of Sciences and the
5 States, and any person may submit rec-
6 ommendations to the Administrator, with re-
7 spect to contaminants that should be included
8 in the national drinking water occurrence data
9 base, including recommendations with respect
10 to additional unregulated contaminants that
11 should be listed under paragraph (2). Any rec-
12 ommendation submitted under this clause shall
13 be accompanied by reasonable documentation
14 that—

15 “(i) the contaminant occurs or is like-
16 ly to occur in drinking water; and

17 “(ii) the contaminant poses a risk to
18 public health.

19 “(D) PUBLIC AVAILABILITY.—The infor-
20 mation from the data base shall be available to
21 the public in readily accessible form.

22 “(E) REGULATED CONTAMINANTS.—With
23 respect to each contaminant for which a na-
24 tional primary drinking water regulation has
25 been established, the data base shall include in-

1 formation on the detection of the contaminant
2 at a quantifiable level in public water systems
3 (including detection of the contaminant at levels
4 not constituting a violation of the maximum
5 contaminant level for the contaminant).

6 “(F) UNREGULATED CONTAMINANTS.—

7 With respect to contaminants for which a na-
8 tional primary drinking water regulation has
9 not been established, the data base shall in-
10 clude—

11 “(i) monitoring information collected
12 by public water systems that serve a popu-
13 lation of more than 10,000, as required by
14 the Administrator under paragraph (2);

15 “(ii) monitoring information collected
16 by the States from a representative sam-
17 pling of public water systems that serve a
18 population of 10,000 or fewer; and

19 “(iii) other reliable and appropriate
20 monitoring information on the occurrence
21 of the contaminants in public water sys-
22 tems that is available to the Adminis-
23 trator.”.

24 (d) INFORMATION.—

1 (1) MONITORING AND TESTING AUTHORITY.—
2 Subparagraph (A) of section 1445(a)(1) (42 U.S.C.
3 300j-4(a)(1)) (as designated by subsection
4 (a)(1)(A)) is amended—

5 (A) by inserting “by accepted methods”
6 after “conduct such monitoring”; and

7 (B) by striking “such information as the
8 Administrator may reasonably require” and all
9 that follows through the period at the end and
10 inserting the following: “such information as
11 the Administrator may reasonably require—

12 “(i) to assist the Administrator in establishing
13 regulations under this title or to assist the Adminis-
14 trator in determining, on a case-by-case basis,
15 whether the person has acted or is acting in compli-
16 ance with this title; and

17 “(ii) by regulation to assist the Administrator
18 in determining compliance with national primary
19 drinking water regulations promulgated under sec-
20 tion 1412 or in administering any program of finan-
21 cial assistance under this title.

22 If the Administrator is requiring monitoring for purposes
23 of testing new or alternative methods, the Administrator
24 may require the use of other than accepted methods.”.

1 (2) SCREENING METHODS.—Section 1445 (42
2 U.S.C. 300j–4) (as amended by section 12(c)) is fur-
3 ther amended by adding at the end the following:

4 “(h) SCREENING METHODS.—The Administrator
5 shall review new analytical methods to screen for regulated
6 contaminants and may approve such methods as are more
7 accurate or cost-effective than established reference meth-
8 ods for use in compliance monitoring.”.

9 **SEC. 20. PUBLIC NOTIFICATION.**

10 Section 1414 (42 U.S.C. 300g–3) is amended by
11 striking subsection (c) and inserting the following:

12 “(c) NOTICE TO PERSONS SERVED.—

13 “(1) IN GENERAL.—Each owner or operator of
14 a public water system shall give notice to the per-
15 sons served by the system—

16 “(A) of any failure on the part of the pub-
17 lic water system to—

18 “(i) comply with an applicable maxi-
19 mum contaminant level or treatment tech-
20 nique requirement of, or a testing proce-
21 dure prescribed by, a national primary
22 drinking water regulation; or

23 “(ii) perform monitoring required by
24 section 1445(a);

1 “(B) if the public water system is subject
2 to a variance granted under section
3 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an
4 inability to meet a maximum contaminant level
5 requirement or is subject to an exemption
6 granted under section 1416, of—

7 “(i) the existence of the variance or
8 exemption; and

9 “(ii) any failure to comply with the
10 requirements of any schedule prescribed
11 pursuant to the variance or exemption; and

12 “(C) of the concentration level of any un-
13 regulated contaminant for which the Adminis-
14 trator has required public notice pursuant to
15 paragraph (2)(E).

16 “(2) FORM, MANNER, AND FREQUENCY OF NO-
17 TICE.—

18 “(A) IN GENERAL.—The Administrator
19 shall, by regulation, and after consultation with
20 the States, prescribe the manner, frequency,
21 form, and content for giving notice under this
22 subsection. The regulations shall—

23 “(i) provide for different frequencies
24 of notice based on the differences between
25 violations that are intermittent or infre-

1 quent and violations that are continuous or
2 frequent; and

3 “(ii) take into account the seriousness
4 of any potential adverse health effects that
5 may be involved.

6 “(B) STATE REQUIREMENTS.—

7 “(i) IN GENERAL.—A State may, by
8 rule, establish alternative notification re-
9 quirements—

10 “(I) with respect to the form and
11 content of notice given under and in a
12 manner in accordance with subpara-
13 graph (C); and

14 “(II) with respect to the form
15 and content of notice given under sub-
16 paragraph (D).

17 “(ii) CONTENTS.—The alternative re-
18 quirements shall provide the same type and
19 amount of information as required pursu-
20 ant to this subsection and regulations is-
21 sued under subparagraph (A).

22 “(iii) RELATIONSHIP TO SECTION
23 1413.—Nothing in this subparagraph shall
24 be construed or applied to modify the re-
25 quirements of section 1413.

1 “(C) VIOLATIONS WITH POTENTIAL TO
2 HAVE SERIOUS ADVERSE EFFECTS ON HUMAN
3 HEALTH.—Regulations issued under subpara-
4 graph (A) shall specify notification procedures
5 for each violation by a public water system that
6 has the potential to have serious adverse effects
7 on human health as a result of short-term expo-
8 sure. Each notice of violation provided under
9 this subparagraph shall—

10 “(i) be distributed as soon as prac-
11 ticable after the occurrence of the viola-
12 tion, but not later than 24 hours after the
13 occurrence of the violation;

14 “(ii) provide a clear and readily un-
15 derstandable explanation of—

16 “(I) the violation;

17 “(II) the potential adverse effects
18 on human health;

19 “(III) the steps that the public
20 water system is taking to correct the
21 violation; and

22 “(IV) the necessity of seeking al-
23 ternative water supplies until the vio-
24 lation is corrected;

1 “(iii) be provided to the Administrator
2 or the head of the State agency that has
3 primary enforcement responsibility under
4 section 1413 as soon as practicable, but
5 not later than 24 hours after the occur-
6 rence of the violation; and

7 “(iv) as required by the State agency
8 in general regulations of the State agency,
9 or on a case-by-case basis after the con-
10 sultation referred to in clause (iii), consid-
11 ering the health risks involved—

12 “(I) be provided to appropriate
13 broadcast media;

14 “(II) be prominently published in
15 a newspaper of general circulation
16 serving the area not later than 1 day
17 after distribution of a notice pursuant
18 to clause (i) or the date of publication
19 of the next issue of the newspaper; or

20 “(III) be provided by posting or
21 door-to-door notification in lieu of no-
22 tification by means of broadcast
23 media or newspaper.

24 “(D) WRITTEN NOTICE.—

1 “(i) IN GENERAL.—Regulations issued
2 under subparagraph (A) shall specify noti-
3 fication procedures for violations other
4 than the violations covered by subpara-
5 graph (C). The procedures shall specify
6 that a public water system shall provide
7 written notice to each person served by the
8 system by notice—

9 “(I) in the first bill (if any) pre-
10 pared after the date of occurrence of
11 the violation;

12 “(II) in an annual report issued
13 not later than 1 year after the date of
14 occurrence of the violation; or

15 “(III) by mail or direct delivery
16 as soon as practicable, but not later
17 than 1 year after the date of occur-
18 rence of the violation.

19 “(ii) FORM AND MANNER OF NO-
20 TICE.—The Administrator shall prescribe
21 the form and manner of the notice to pro-
22 vide a clear and readily understandable ex-
23 planation of—

24 “(I) the violation;

1 “(II) any potential adverse health
2 effects; and

3 “(III) the steps that the system
4 is taking to seek alternative water
5 supplies, if any, until the violation is
6 corrected.

7 “(E) UNREGULATED CONTAMINANTS.—
8 The Administrator may require the owner or
9 operator of a public water system to give notice
10 to the persons served by the system of the con-
11 centration levels of an unregulated contaminant
12 required to be monitored under section 1445(a).

13 “(3) REPORTS.—

14 “(A) ANNUAL REPORT BY STATE.—

15 “(i) IN GENERAL.—Not later than
16 January 1, 1997, and annually thereafter,
17 each State that has primary enforcement
18 responsibility under section 1413 shall pre-
19 pare, make readily available to the public,
20 and submit to the Administrator an annual
21 report on violations of national primary
22 drinking water regulations by public water
23 systems in the State, including violations
24 with respect to—

1 “(I) maximum contaminant lev-
2 els;

3 “(II) treatment requirements;

4 “(III) variances and exemptions;
5 and

6 “(IV) monitoring requirements
7 determined to be significant by the
8 Administrator after consultation with
9 the States.

10 “(ii) DISTRIBUTION.—The State shall
11 publish and distribute summaries of the re-
12 port and indicate where the full report is
13 available for review.

14 “(B) ANNUAL REPORT BY ADMINIS-
15 TRATOR.—Not later than July 1, 1997, and an-
16 nually thereafter, the Administrator shall pre-
17 pare and make available to the public an annual
18 report summarizing and evaluating reports sub-
19 mitted by States pursuant to subparagraph (A)
20 and notices submitted by public water systems
21 serving Indian Tribes provided to the Adminis-
22 trator pursuant to subparagraph (C) or (D) of
23 paragraph (2) and making recommendations
24 concerning the resources needed to improve
25 compliance with this title. The report shall in-

1 clude information about public water system
 2 compliance on Indian reservations and about
 3 enforcement activities undertaken and financial
 4 assistance provided by the Administrator on In-
 5 dian reservations, and shall make specific rec-
 6 ommendations concerning the resources needed
 7 to improve compliance with this title on Indian
 8 reservations.”.

9 **SEC. 21. ENFORCEMENT; JUDICIAL REVIEW.**

10 (a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–
 11 3) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)—

15 (I) in clause (i), by striking “any
 16 national primary drinking water regu-
 17 lation in effect under section 1412”
 18 and inserting “any applicable require-
 19 ment”; and

20 (II) by striking “with such regu-
 21 lation or requirement” and inserting
 22 “with the requirement”; and

23 (ii) in subparagraph (B), by striking
 24 “regulation or” and inserting “applicable”;
 25 and

1 (B) by striking paragraph (2) and insert-
 2 ing the following:

3 “(2) ENFORCEMENT IN NONPRIMACY
 4 STATES.—

5 “(A) IN GENERAL.—If, on the basis of in-
 6 formation available to the Administrator, the
 7 Administrator finds, with respect to a period in
 8 which a State does not have primary enforce-
 9 ment responsibility for public water systems,
 10 that a public water system in the State—

11 “(i) for which a variance under sec-
 12 tion 1415 or an exemption under section
 13 1416 is not in effect, does not comply with
 14 any applicable requirement; or

15 “(ii) for which a variance under sec-
 16 tion 1415 or an exemption under section
 17 1416 is in effect, does not comply with any
 18 schedule or other requirement imposed
 19 pursuant to the variance or exemption;
 20 the Administrator shall issue an order under
 21 subsection (g) requiring the public water system
 22 to comply with the requirement, or commence a
 23 civil action under subsection (b).

24 “(B) NOTICE.—If the Administrator takes
 25 any action pursuant to this paragraph, the Ad-

1 ministrator shall notify an appropriate local
2 elected official, if any, with jurisdiction over the
3 public water system of the action prior to the
4 time that the action is taken.”;

5 (2) in the first sentence of subsection (b), by
6 striking “a national primary drinking water regula-
7 tion” and inserting “any applicable requirement”;

8 (3) in subsection (g)—

9 (A) in paragraph (1), by striking “regula-
10 tion, schedule, or other” each place it appears
11 and inserting “applicable”;

12 (B) in paragraph (2)—

13 (i) in the first sentence—

14 (I) by striking “effect until after
15 notice and opportunity for public
16 hearing and,” and inserting “effect,”;
17 and

18 (II) by striking “proposed order”
19 and inserting “order”; and

20 (ii) in the second sentence, by striking
21 “proposed to be”; and

22 (C) in paragraph (3)—

23 (i) by striking subparagraph (B) and
24 inserting the following:

1 “(B) EFFECT OF PENALTY AMOUNTS.—In
2 a case in which a civil penalty sought by the
3 Administrator under this paragraph does not
4 exceed \$5,000, the penalty shall be assessed by
5 the Administrator after notice and opportunity
6 for a public hearing (unless the person against
7 whom the penalty is assessed requests a hearing
8 on the record in accordance with section 554 of
9 title 5, United States Code). In a case in which
10 a civil penalty sought by the Administrator
11 under this paragraph exceeds \$5,000, but does
12 not exceed \$25,000, the penalty shall be as-
13 sessed by the Administrator after notice and
14 opportunity for a hearing on the record in ac-
15 cordance with section 554 of title 5, United
16 States Code.”; and

17 (ii) in subparagraph (C), by striking
18 “paragraph exceeds \$5,000” and inserting
19 “subsection for a violation of an applicable
20 requirement exceeds \$25,000”; and

21 (4) by adding at the end the following:

22 “(h) CONSOLIDATION INCENTIVE.—

23 “(1) IN GENERAL.—An owner or operator of a
24 public water system may submit to the State in
25 which the system is located (if the State has primary

1 enforcement responsibility under section 1413) or to
2 the Administrator (if the State does not have pri-
3 mary enforcement responsibility) a plan (including
4 specific measures and schedules) for—

5 “(A) the physical consolidation of the sys-
6 tem with 1 or more other systems;

7 “(B) the consolidation of significant man-
8 agement and administrative functions of the
9 system with 1 or more other systems; or

10 “(C) the transfer of ownership of the sys-
11 tem that may reasonably be expected to im-
12 prove drinking water quality.

13 “(2) CONSEQUENCES OF APPROVAL.—If the
14 State or the Administrator approves a plan pursuant
15 to paragraph (1), no enforcement action shall be
16 taken pursuant to this part with respect to a specific
17 violation identified in the approved plan prior to the
18 date that is the earlier of the date on which consoli-
19 dation is completed according to the plan or the date
20 that is 2 years after the plan is approved.

21 “(i) DEFINITION OF APPLICABLE REQUIREMENT.—

22 In this section, the term ‘applicable requirement’ means—

23 “(1) a requirement of section 1412, 1414,
24 1415, 1416, 1417, 1441, 1442, 1445, 1447, 1463,
25 1464, or 1471;

1 “(2) a regulation promulgated pursuant to a
2 section referred to in paragraph (1);

3 “(3) a schedule or requirement imposed pursu-
4 ant to a section referred to in paragraph (1); and

5 “(4) a requirement of, or permit issued under,
6 an applicable State program for which the Adminis-
7 trator has made a determination that the require-
8 ments of section 1413 have been satisfied, or an ap-
9 plicable State program approved pursuant to this
10 part.”.

11 (b) STATE AUTHORITY FOR ADMINISTRATIVE PEN-
12 ALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is
13 amended—

14 (1) by striking “and” at the end of paragraph
15 (4);

16 (2) by striking the period at the end of para-
17 graph (5) and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(6) has adopted authority for administrative
20 penalties (unless the constitution of the State pro-
21 hibits the adoption of the authority) in a maximum
22 amount—

23 “(A) in the case of a system serving a pop-
24 ulation of more than 10,000, that is not less
25 than \$1,000 per day per violation; and

1 “(B) in the case of any other system, that
2 is adequate to ensure compliance (as deter-
3 mined by the State);
4 except that a State may establish a maximum limita-
5 tion on the total amount of administrative penalties
6 that may be imposed on a public water system per
7 violation.”.

8 (c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C.
9 300j-7(a)) is amended—

10 (1) in paragraph (2) of the first sentence, by
11 inserting “final” after “any other”;

12 (2) in the second sentence, by striking “or issu-
13 ance of the order” and inserting “or any other final
14 Agency action”; and

15 (3) by adding at the end the following “In any
16 petition concerning the assessment of a civil penalty
17 pursuant to section 1414(g)(3)(B), the petitioner
18 shall simultaneously send a copy of the complaint by
19 certified mail to the Administrator and the Attorney
20 General. The court shall set aside or remand the
21 penalty order if the court finds that there is not sub-
22 stantial evidence in the record to support the finding
23 of a violation or that the assessment of the penalty
24 by the Administrator constitutes an abuse of discre-
25 tion.”.

1 **SEC. 22. FEDERAL AGENCIES.**

2 (a) IN GENERAL.—Subsections (a) and (b) of section
3 1447 (42 U.S.C. 300j–6) are amended to read as follows:

4 “(a) COMPLIANCE.—

5 “(1) IN GENERAL.—Each Federal agency shall
6 be subject to, and comply with, all Federal, State,
7 interstate, and local substantive and procedural re-
8 quirements, administrative authorities, and process
9 and sanctions concerning the provision of safe drink-
10 ing water or underground injection in the same
11 manner, and to the same extent, as any nongovern-
12 mental entity is subject to, and shall comply with,
13 the requirements, authorities, and process and sanc-
14 tions.

15 “(2) ADMINISTRATIVE ORDERS AND PEN-
16 ALTIES.—The Federal, State, interstate, and local
17 substantive and procedural requirements, adminis-
18 trative authorities, and process and sanctions re-
19 ferred to in paragraph (1) include all administrative
20 orders and all civil and administrative penalties or
21 fines, regardless of whether the penalties or fines are
22 punitive or coercive in nature or are imposed for iso-
23 lated, intermittent, or continuing violations.

24 “(3) LIMITED WAIVER OF SOVEREIGN IMMUN-
25 ITY.—The United States expressly waives any im-
26 munity otherwise applicable to the United States

1 with respect to any requirement, administrative au-
2 thority, or process or sanction referred to in para-
3 graph (2) (including any injunctive relief, adminis-
4 trative order, or civil or administrative penalty or
5 fine referred to in paragraph (2), or reasonable serv-
6 ice charge). The reasonable service charge referred
7 to in the preceding sentence includes—

8 “(A) a fee or charge assessed in connection
9 with the processing, issuance, renewal, or
10 amendment of a permit, variance, or exemption,
11 review of a plan, study, or other document, or
12 inspection or monitoring of a facility; and

13 “(B) any other nondiscriminatory charge
14 that is assessed in connection with a Federal,
15 State, interstate, or local safe drinking water
16 regulatory program.

17 “(4) CIVIL PENALTIES.—No agent, employee,
18 or officer of the United States shall be personally
19 liable for any civil penalty under this subsection with
20 respect to any act or omission within the scope of
21 the official duties of the agent, employee, or officer.

22 “(5) CRIMINAL SANCTIONS.—An agent, em-
23 ployee, or officer of the United States may be sub-
24 ject to a criminal sanction under a State, interstate,
25 or local law concerning the provision of drinking

1 water or underground injection. No department,
2 agency, or instrumentality of the executive, legisla-
3 tive, or judicial branch of the Federal Government
4 shall be subject to a sanction referred to in the pre-
5 ceding sentence.

6 “(b) WAIVER OF COMPLIANCE.—

7 “(1) IN GENERAL.—The President may waive
8 compliance with subsection (a) by any department,
9 agency, or instrumentality in the executive branch if
10 the President determines waiving compliance with
11 such subsection to be in the paramount interest of
12 the United States.

13 “(2) WAIVERS DUE TO LACK OF APPROPRIA-
14 TIONS.—No waiver described in paragraph (1) shall
15 be granted due to the lack of an appropriation un-
16 less the President has specifically requested the ap-
17 propriation as part of the budgetary process and
18 Congress has failed to make available the requested
19 appropriation.

20 “(3) PERIOD OF WAIVER.—A waiver under this
21 subsection shall be for a period of not to exceed 1
22 year, but an additional waiver may be granted for a
23 period of not to exceed 1 year on the termination of
24 a waiver if the President reviews the waiver and
25 makes a determination that it is in the paramount

1 interest of the United States to grant an additional
2 waiver.

3 “(4) REPORT.—Not later than January 31 of
4 each year, the President shall report to Congress on
5 each waiver granted pursuant to this subsection dur-
6 ing the preceding calendar year, together with the
7 reason for granting the waiver.”.

8 (b) ADMINISTRATIVE PENALTY ORDERS.—Section
9 1447 (42 U.S.C. 300j-6) is amended by adding at the end
10 the following:

11 “(d) ADMINISTRATIVE PENALTY ORDERS.—

12 “(1) IN GENERAL.—If the Administrator finds
13 that a Federal agency has violated an applicable re-
14 quirement under this title, the Administrator may
15 issue a penalty order assessing a penalty against the
16 Federal agency.

17 “(2) PENALTIES.—The Administrator may,
18 after notice to the agency, assess a civil penalty
19 against the agency in an amount not to exceed
20 \$25,000 per day per violation.

21 “(3) PROCEDURE.—Before an administrative
22 penalty order issued under this subsection becomes
23 final, the Administrator shall provide the agency an
24 opportunity to confer with the Administrator and
25 shall provide the agency notice and an opportunity

1 for a hearing on the record in accordance with chap-
2 ters 5 and 7 of title 5, United States Code.

3 “(4) PUBLIC REVIEW.—

4 “(A) IN GENERAL.—Any interested person
5 may obtain review of an administrative penalty
6 order issued under this subsection. The review
7 may be obtained in the United States District
8 Court for the District of Columbia or in the
9 United States District Court for the district in
10 which the violation is alleged to have occurred
11 by the filing of a complaint with the court with-
12 in the 30-day period beginning on the date the
13 penalty order becomes final. The person filing
14 the complaint shall simultaneously send a copy
15 of the complaint by certified mail to the Admin-
16 istrator and the Attorney General.

17 “(B) RECORD.—The Administrator shall
18 promptly file in the court a certified copy of the
19 record on which the order was issued.

20 “(C) STANDARD OF REVIEW.—The court
21 shall not set aside or remand the order unless
22 the court finds that there is not substantial evi-
23 dence in the record, taken as a whole, to sup-
24 port the finding of a violation or that the as-

1 assessment of the penalty by the Administrator
2 constitutes an abuse of discretion.

3 “(D) PROHIBITION ON ADDITIONAL PEN-
4 ALTIES.—The court may not impose an addi-
5 tional civil penalty for a violation that is subject
6 to the order unless the court finds that the as-
7 sessment constitutes an abuse of discretion by
8 the Administrator.”.

9 (c) CITIZEN ENFORCEMENT.—The first sentence of
10 section 1449(a) (42 U.S.C. 300j–8(a)) is amended—

11 (1) in paragraph (1), by striking “, or” and in-
12 serting a semicolon;

13 (2) in paragraph (2), by striking the period at
14 the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(3) for the collection of a penalty (and associ-
17 ated costs and interest) against any Federal agency
18 that fails, by the date that is 1 year after the effec-
19 tive date of a final order to pay a penalty assessed
20 by the Administrator under section 1447(d), to pay
21 the penalty.”.

22 (d) WASHINGTON AQUEDUCT.—Section 1447 (42
23 U.S.C. 300j–6) (as amended by subsection (b)) is further
24 amended by adding at the end the following:

1 “(e) WASHINGTON AQUEDUCT.—The Washington
 2 Aqueduct Authority, the Army Corps of Engineers, and
 3 the Secretary of the Army shall not pass the cost of any
 4 penalty assessed under this title on to any customer, user,
 5 or other purchaser of drinking water from the Washington
 6 Aqueduct system, including finished water from the
 7 Dalecarlia or McMillan treatment plant.”.

8 **SEC. 23. RESEARCH.**

9 Section 1442 (42 U.S.C. 300j-1) (as amended by sec-
 10 tion 12(d)) is further amended—

11 (1) by redesignating paragraph (3) of sub-
 12 section (b) as paragraph (3) of subsection (d) and
 13 moving such paragraph to appear after paragraph
 14 (2) of subsection (d);

15 (2) by striking subsection (b) (as so amended);

16 (3) by redesignating subparagraph (B) of sub-
 17 section (a)(2) as subsection (b) and moving such
 18 subsection to appear after subsection (a);

19 (4) in subsection (a)—

20 (A) by striking paragraph (2) (as so
 21 amended) and inserting the following:

22 “(2) INFORMATION AND RESEARCH FACILI-
 23 TIES.—In carrying out this title, the Administrator
 24 is authorized to—

1 “(A) collect and make available informa-
 2 tion pertaining to research, investigations, and
 3 demonstrations with respect to providing a de-
 4 pendably safe supply of drinking water, to-
 5 gether with appropriate recommendations in
 6 connection with the information; and

7 “(B) make available research facilities of
 8 the Agency to appropriate public authorities, in-
 9 stitutions, and individuals engaged in studies
 10 and research relating to this title.”;

11 (B) by striking paragraph (3);

12 (C) by redesignating paragraph (11) as
 13 paragraph (3) and moving such paragraph to
 14 appear before paragraph (4); and

15 (D) by adding at the end the following:

16 “(11) AUTHORIZATION OF APPROPRIATIONS.—
 17 There are authorized to be appropriated to the Ad-
 18 ministrator to carry out research authorized by this
 19 section \$25,000,000 for each of fiscal years 1994
 20 through 2003, of which \$4,000,000 shall be avail-
 21 able for each fiscal year for research on the health
 22 effects of arsenic in drinking water.”;

23 (5) in subsection (b) (as so amended)—

24 (A) by striking “subparagraph” each place
 25 it appears and inserting “subsection”; and

1 (B) by adding at the end the following:

2 “There are authorized to be appropriated to
3 carry out this subsection \$8,000,000 for each of
4 fiscal years 1995 through 2003.”;

5 (6) in the first sentence of subsection (c), by
6 striking “eighteen months after the date of enact-
7 ment of this subsection” and inserting “2 years
8 after the date of enactment of the Safe Drinking
9 Water Act Amendments of 1995, and every 5 years
10 thereafter”;

11 (7) in subsection (d) (as amended by paragraph
12 (1))—

13 (A) in paragraph (1), by striking “, and”
14 at the end and inserting a semicolon;

15 (B) in paragraph (2), by striking the pe-
16 riod at the end and inserting a semicolon;

17 (C) in paragraph (3), by striking the pe-
18 riod at the end and inserting “; and”;

19 (D) by inserting after paragraph (3) the
20 following:

21 “(4) develop and maintain a system for fore-
22 casting the supply of, and demand for, various pro-
23 fessional occupational categories and other occupa-
24 tional categories needed for the protection and treat-

1 ment of drinking water in each region of the United
2 States.”; and

3 (E) by adding at the end the following:

4 “‘There are authorized to be appropriated to
5 carry out this subsection \$10,000,000 for each
6 of fiscal years 1994 through 2003.’”; and

7 (8) by adding at the end the following:

8 “(i) BIOLOGICAL MECHANISMS.—In carrying out this
9 section, the Administrator shall conduct studies to—

10 “(1) understand the mechanisms by which
11 chemical contaminants are absorbed, distributed,
12 metabolized, and eliminated from the human body,
13 so as to develop more accurate physiologically based
14 models of the phenomena;

15 “(2) understand the effects of contaminants
16 and the mechanisms by which the contaminants
17 cause adverse effects (especially noncancer and in-
18 fectious effects) and the variations in the effects
19 among humans, especially subpopulations at greater
20 risk of adverse effects, and between test animals and
21 humans; and

22 “(3) develop new approaches to the study of
23 complex mixtures, such as mixtures found in drink-
24 ing water, especially to determine the prospects for
25 synergistic or antagonistic interactions that may af-

1 fect the shape of the dose-response relationship of
2 the individual chemicals and microbes, and to exam-
3 ine noncancer endpoints and infectious diseases, and
4 susceptible individuals and subpopulations.

5 “(j) RESEARCH PRIORITIES.—To establish long-term
6 priorities for research under this section, the Adminis-
7 trator shall develop, and periodically update, an integrated
8 risk characterization strategy for drinking water quality.
9 The strategy shall identify unmet needs, priorities for
10 study, and needed improvements in the scientific basis for
11 activities carried out under this title. The initial strategy
12 shall be made available to the public not later than 3 years
13 after the date of enactment of this subsection.

14 “(k) RESEARCH PLAN FOR HARMFUL SUBSTANCES
15 IN DRINKING WATER.—

16 “(1) DEVELOPMENT OF PLAN.—The Adminis-
17 trator shall—

18 “(A) not later than 180 days after the date
19 of enactment of this subsection, after consulta-
20 tion with the Secretary of Health and Human
21 Services, the Secretary of Agriculture, and the
22 heads of other Federal agencies, develop a re-
23 search plan to support the development and im-
24 plementation of the most current version of
25 the—

1 “(i) enhanced surface water treatment
2 rule (announced at 59 Fed. Reg. 6332
3 (February 10, 1994));

4 “(ii) disinfectant and disinfection by-
5 products rule (Stage 2) (announced at 59
6 Fed. Reg. 6332 (February 10, 1994)); and

7 “(iii) ground water disinfection rule
8 (availability of draft summary announced
9 at 57 Fed. Reg. 33960 (July 31, 1992));
10 and

11 “(B) carry out the research plan, after
12 consultation and appropriate coordination with
13 the Secretary of Agriculture and the heads of
14 other Federal agencies.

15 “(2) CONTENTS OF PLAN.—

16 “(A) IN GENERAL.—The research plan
17 shall include, at a minimum—

18 “(i) an identification and character-
19 ization of new disinfection byproducts asso-
20 ciated with the use of different disinfect-
21 ants;

22 “(ii) toxicological studies and, if war-
23 ranted, epidemiological studies to deter-
24 mine what levels of exposure from dis-
25 infectants and disinfection byproducts, if

1 any, may be associated with developmental
2 and birth defects and other potential toxic
3 end points;

4 “(iii) toxicological studies and, if war-
5 ranted, epidemiological studies to quantify
6 the carcinogenic potential from exposure to
7 disinfection byproducts resulting from dif-
8 ferent disinfectants;

9 “(iv) the development of practical an-
10 alytical methods for detecting and enumer-
11 ating microbial contaminants, including
12 giardia, cryptosporidium, and viruses;

13 “(v) the development of reliable, effi-
14 cient, and economical methods to deter-
15 mine the viability of individual
16 cryptosporidium oocysts;

17 “(vi) the development of dose-response
18 curves for pathogens, including
19 cryptosporidium and the Norwalk virus;

20 “(vii) the development of indicators
21 that define treatment effectiveness for
22 pathogens and disinfection byproducts; and

23 “(viii) bench, pilot, and full-scale
24 studies and demonstration projects to
25 evaluate optimized conventional treatment,

1 ozone, granular activated carbon, and
2 membrane technology for controlling
3 pathogens (including cryptosporidium) and
4 disinfection byproducts.

5 “(B) RISK DEFINITION STRATEGY.—The
6 research plan shall include a strategy for deter-
7 mining the risks and estimated extent of dis-
8 ease resulting from pathogens, disinfectants,
9 and disinfection byproducts in drinking water,
10 and the costs and removal efficiencies associ-
11 ated with various control methods for patho-
12 gens, disinfectants, and disinfection byproducts.

13 “(3) IMPLEMENTATION OF PLAN.—In carrying
14 out the research plan, the Administrator shall use
15 the most cost-effective mechanisms available, includ-
16 ing coordination of research with, and use of match-
17 ing funds from, institutions and utilities.

18 “(4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this subsection \$12,500,000 for each of fiscal years
21 1997 through 2003.

22 “(I) SUBPOPULATIONS AT GREATER RISK.—

23 “(1) RESEARCH PLAN.—The Administrator
24 shall conduct a continuing program of peer-reviewed
25 research to identify groups within the general popu-

1 lation that may be at greater risk than the general
2 population of adverse health effects from exposure to
3 contaminants in drinking water. Not later than 1
4 year after the date of enactment of this subsection,
5 the Administrator shall develop and implement a re-
6 search plan to establish whether and to what degree
7 infants, children, pregnant women, the elderly, indi-
8 viduals with a history of serious illness, or other sub-
9 populations that can be identified and characterized
10 are likely to experience elevated health risks, includ-
11 ing risks of cancer, from contaminants in drinking
12 water.

13 “(2) CONTENTS OF PLAN.—To the extent ap-
14 propriate, the research shall be—

15 “(A) integrated into the health effects re-
16 search plan carried out by the Administrator to
17 support the regulation of specific contaminants
18 under this Act; and

19 “(B) designed to identify—

20 “(i) the nature and extent of the ele-
21 vated health risks, if any;

22 “(ii) the groups likely to experience
23 the elevated health risks;

24 “(iii) biological mechanisms and other
25 factors that may contribute to elevated

1 health risks for groups within the general
2 population;

3 “(iv) the degree of variability of the
4 health risks to the groups from the health
5 risks to the general population;

6 “(v) the threshold, if any, at which
7 the elevated health risks for a specific con-
8 taminant occur; and

9 “(vi) the probability of the exposure
10 to the contaminants by the identified
11 group.

12 “(3) REPORT.—Not later than 4 years after the
13 date of enactment of this subsection and periodically
14 thereafter as new and significant information be-
15 comes available, the Administrator shall report to
16 Congress on the results of the research.

17 “(4) USE OF RESEARCH.—In characterizing the
18 health effects of drinking water contaminants under
19 this Act, the Administrator shall consider all rel-
20 evant factors, including the results of research under
21 this subsection, the margin of safety for variability
22 in the general population, and sound scientific prac-
23 tices (including the 1993 and 1994 reports of the
24 National Academy of Sciences) regarding subpopula-
25 tions at greater risk for adverse health effects.”.

1 **SEC. 24. DEFINITIONS.**

2 (a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is
3 amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (D), by inserting “ac-
6 cepted methods for” before “quality control”;
7 and

8 (B) by adding at the end the following:

9 “At any time after promulgation of a regulation re-
10 ferred to in this paragraph, the Administrator may
11 add equally effective quality control and testing pro-
12 cedures by guidance published in the Federal Reg-
13 ister. The procedures shall be treated as an alter-
14 native for public water systems to the quality control
15 and testing procedures listed in the regulation.”;

16 (2) in paragraph (13)—

17 (A) by striking “The” and inserting “(A)
18 Except as provided in subparagraph (B), the”;
19 and

20 (B) by adding at the end the following:

21 “(B) For purposes of part G, the term ‘State’
22 means each of the 50 States and the Commonwealth
23 of Puerto Rico.”;

24 (3) in paragraph (14), by adding at the end the
25 following: “For purposes of part G, the term in-
26 cludes any Native village (as defined in section 3(c)

1 of the Alaska Native Claims Settlement Act (43
2 U.S.C. 1602(c)).’; and

3 (4) by adding at the end the following:

4 “(15) The term ‘community water system’
5 means a public water system that—

6 “(A) serves at least 15 service connections
7 used by year-round residents of the area served
8 by the system; or

9 “(B) regularly serves at least 25 year-
10 round residents.

11 “(16) The term ‘noncommunity water system’
12 means a public water system that is not a commu-
13 nity water system.’.

14 (b) PUBLIC WATER SYSTEM.—

15 (1) IN GENERAL.—Section 1401(4) (42 U.S.C.
16 300f(4)) is amended—

17 (A) in the first sentence, by striking
18 “piped water for human consumption” and in-
19 serting “water for human consumption through
20 pipes or other constructed conveyances”;

21 (B) by redesignating subparagraphs (A)
22 and (B) as clauses (i) and (ii), respectively;

23 (C) by striking “(4) The” and inserting
24 the following:

25 “(4) PUBLIC WATER SYSTEM.—

1 “(A) IN GENERAL.—The”; and

2 (D) by adding at the end the following:

3 “(B) CONNECTIONS.—

4 “(i) RESIDENTIAL USE.—

5 “(I) IN GENERAL.—A connection
6 described in subclause (II) shall not
7 be considered to be a connection for
8 determining whether the system is a
9 public water system under this title,
10 if—

11 “(aa) the Administrator or
12 the State (in the case of a State
13 exercising primary enforcement
14 responsibility for public water
15 systems) determines that alter-
16 native water to achieve the equiv-
17 alent level of public health pro-
18 tection provided by the applicable
19 national primary drinking water
20 regulation is provided for resi-
21 dential or similar uses for drink-
22 ing and cooking; or

23 “(bb) the Administrator or
24 the State (in the case of a State
25 exercising primary enforcement

1 responsibility for public water
2 systems) determines that the
3 water provided for residential or
4 similar uses for drinking and
5 cooking is centrally treated or
6 treated at the point of entry by
7 the provider, a pass-through en-
8 tity, or the user to achieve the
9 equivalent level of protection pro-
10 vided by the applicable national
11 primary drinking water regula-
12 tions.

13 “(II) CONNECTIONS.—A connec-
14 tion referred to in this subclause is a
15 connection to a water system that
16 conveys water by a means other than
17 a pipe principally for 1 or more pur-
18 poses other than residential use
19 (which other purposes include irriga-
20 tion, stock watering, industrial use, or
21 municipal source water prior to treat-
22 ment)—

23 “(aa) for a residential use
24 (consisting of drinking, bathing,
25 cooking, or other similar use); or

1 “(bb) to a facility for a use
2 similar to a residential use.

3 “(ii) IRRIGATION DISTRICTS.—An irri-
4 gation district in existence prior to May
5 18, 1994, that provides primarily agricul-
6 tural service through a piped water system
7 with only incidental residential use shall
8 not be considered to be a public water sys-
9 tem if the system and the residential users
10 of the system comply with subclauses (I)
11 and (II) of clause (i).”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) shall take effect 1 year after the
14 date of enactment of this Act.

15 **SEC. 25. GROUND WATER PROTECTION.**

16 (a) STATE GROUND WATER PROTECTION GRANTS.—
17 Section 1443 (42 U.S.C. 300j-2) is amended—

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the follow-
21 ing:

22 “(c) STATE GROUND WATER PROTECTION
23 GRANTS.—

24 “(1) IN GENERAL.—The Administrator may
25 make a grant to a State for the development and im-

1 plementation of a State program to ensure the co-
2 ordinated and comprehensive protection of ground
3 water resources within the State.

4 “(2) GUIDANCE.—Not later than 1 year after
5 the date of enactment of the Safe Drinking Water
6 Act Amendments of 1995, and annually thereafter,
7 the Administrator shall publish guidance that estab-
8 lishes procedures for application for State ground
9 water protection program assistance and that identi-
10 fies key elements of State ground water protection
11 programs.

12 “(3) CONDITIONS OF GRANTS.—

13 “(A) IN GENERAL.—The Administrator
14 shall award grants to States that submit an ap-
15 plication that is approved by the Administrator.
16 The Administrator shall determine the amount
17 of a grant awarded pursuant to this paragraph
18 on the basis of an assessment of the extent of
19 ground water resources in the State and the
20 likelihood that awarding the grant will result in
21 sustained and reliable protection of ground
22 water quality.

23 “(B) INNOVATIVE PROGRAM GRANTS.—

24 The Administrator may also award a grant pur-
25 suant to this paragraph for innovative programs

1 proposed by a State for the prevention of
2 ground water contamination.

3 “(C) ALLOCATION OF FUNDS.—The Ad-
4 ministrators shall, at a minimum, ensure that,
5 for each fiscal year, not less than 1 percent of
6 funds made available to the Administrator by
7 appropriations to carry out this subsection are
8 allocated to each State that submits an applica-
9 tion that is approved by the Administrator pur-
10 suant to this subsection.

11 “(D) LIMITATION ON GRANTS.—No grant
12 awarded by the Administrator may be used for
13 a project to remediate ground water contamina-
14 tion.

15 “(4) COORDINATION WITH OTHER GRANT PRO-
16 GRAMS.—The awarding of grants by the Adminis-
17 trator pursuant to this subsection shall be coordi-
18 nated with the awarding of grants pursuant to sec-
19 tion 319(i) of the Federal Water Pollution Control
20 Act (33 U.S.C. 1329(i)) and the awarding of other
21 Federal grant assistance that provides funding for
22 programs related to ground water protection.

23 “(5) AMOUNT OF GRANTS.—The amount of a
24 grant awarded pursuant to paragraph (1) shall not
25 exceed 50 percent of the eligible costs of carrying

1 out the ground water protection program that is the
2 subject of the grant (as determined by the Adminis-
3 trator) for the 1-year period beginning on the date
4 that the grant is awarded. The State shall pay a
5 State share to cover the costs of the ground water
6 protection program from State funds in an amount
7 that is not less than 50 percent of the cost of con-
8 ducting the program.

9 “(6) EVALUATIONS AND REPORTS.—Not later
10 than 3 years after the date of enactment of the Safe
11 Drinking Water Act Amendments of 1995, and
12 every 3 years thereafter, the Administrator shall
13 evaluate the State ground water protection programs
14 that are the subject of grants awarded pursuant to
15 this subsection and report to Congress on the status
16 of ground water quality in the United States and the
17 effectiveness of State programs for ground water
18 protection.

19 “(7) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 this subsection \$20,000,000 for each of fiscal years
22 1995 through 2003.”.

23 (b) CRITICAL AQUIFER PROTECTION.—Section 1427
24 (42 U.S.C. 300h-6) is amended—

1 (1) in subsection (b)(1), by striking “not later
2 than 24 months after the enactment of the Safe
3 Drinking Water Act Amendments of 1986”; and

4 (2) in the first sentence of subsection (n), by
5 adding at the end the following:

“1992–200320,000,000.”.

6 (c) WELLHEAD PROTECTION AREAS.—Section
7 1428(k) (42 U.S.C. 300h–7(k)) is amended by adding at
8 the end the following:

“1992–200335,000,000.”.

9 (d) UNDERGROUND INJECTION CONTROL GRANT.—
10 Section 1443(b)(5) (42 U.S.C. 300j–2(b)(5)) is amended
11 by adding at the end the following:

“1992–200320,850,000.”.

12 (e) REPORT TO CONGRESS ON PRIVATE DRINKING
13 WATER.—Section 1450 (42 U.S.C. 300j–9) is amended by
14 striking subsection (h) and inserting the following:

15 “(h) REPORT TO CONGRESS ON PRIVATE DRINKING
16 WATER.—The Administrator shall conduct a study to de-
17 termine the extent and seriousness of contamination of
18 private sources of drinking water that are not regulated
19 under this title. Not later than 3 years after the date of
20 enactment of the Safe Drinking Water Act Amendments
21 of 1995, the Administrator shall submit to Congress a re-
22 port that includes the findings of the study and rec-
23 ommendations by the Administrator concerning responses

1 to any problems identified under the study. In designing
 2 and conducting the study, including consideration of re-
 3 search design, methodology, and conclusions and rec-
 4 ommendations, the Administrator shall consult with ex-
 5 perts outside the Agency, including scientists,
 6 hydrogeologists, well contractors and suppliers, and other
 7 individuals knowledgeable in ground water protection and
 8 remediation.”.

9 (f) NATIONAL CENTER FOR GROUND WATER RE-
 10 SEARCH.—The Administrator of the Environmental Pro-
 11 tection Agency, acting through the Robert S. Kerr Envi-
 12 ronmental Research Laboratory, is authorized to reestab-
 13 lish a partnership between the Laboratory and the Na-
 14 tional Center for Ground Water Research, a university
 15 consortium, to conduct research, training, and technology
 16 transfer for ground water quality protection and restora-
 17 tion.

18 **SEC. 26. LEAD PLUMBING AND PIPES; RETURN FLOWS.**

19 (a) FITTINGS AND FIXTURES.—Section 1417 (42
 20 U.S.C. 300g-6) is amended—

21 (1) in subsection (a)—

22 (A) by striking paragraph (1) and insert-
 23 ing the following:

24 “(1) PROHIBITIONS.—

1 “(A) IN GENERAL.—No person may use
2 any pipe, any pipe or plumbing fitting or fix-
3 ture, any solder, or any flux, after June 19,
4 1986, in the installation or repair of—

5 “(i) any public water system; or

6 “(ii) any plumbing in a residential or
7 nonresidential facility providing water for
8 human consumption,
9 that is not lead free (within the meaning of
10 subsection (d)).

11 “(B) LEADED JOINTS.—Subparagraph (A)
12 shall not apply to leaded joints necessary for
13 the repair of cast iron pipes.”;

14 (B) in paragraph (2)(A), by inserting after
15 “Each” the following: “owner or operator of a”;
16 and

17 (C) by adding at the end the following:

18 “(3) UNLAWFUL ACTS.—Effective 2 years after
19 the date of enactment of this paragraph, it shall be
20 unlawful—

21 “(A) for any person to introduce into com-
22 merce any pipe, or any pipe or plumbing fitting
23 or fixture, that is not lead free, except for a
24 pipe that is used in manufacturing or industrial
25 processing;

1 “(B) for any person engaged in the busi-
2 ness of selling plumbing supplies, except manu-
3 facturers, to sell solder or flux that is not lead
4 free; or

5 “(C) for any person to introduce into com-
6 merce any solder or flux that is not lead free
7 unless the solder or flux bears a prominent
8 label stating that it is illegal to use the solder
9 or flux in the installation or repair of any
10 plumbing providing water for human consump-
11 tion.”;

12 (2) in subsection (d)—

13 (A) in paragraph (1), by striking “lead,
14 and” and inserting “lead;”;

15 (B) in paragraph (2), by striking “lead.”
16 and inserting “lead; and”; and

17 (C) by adding at the end the following:

18 “(3) when used with respect to plumbing fit-
19 tings and fixtures, refers to plumbing fittings and
20 fixtures in compliance with standards established in
21 accordance with subsection (e).”; and

22 (3) by adding at the end the following:

23 “(e) PLUMBING FITTINGS AND FIXTURES.—

24 “(1) IN GENERAL.—The Administrator shall
25 provide accurate and timely technical information

1 and assistance to qualified third-party certifiers in
2 the development of voluntary standards and testing
3 protocols for the leaching of lead from new plumbing
4 fittings and fixtures that are intended by the manu-
5 facturer to dispense water for human ingestion.

6 “(2) STANDARDS.—

7 “(A) IN GENERAL.—If a voluntary stand-
8 ard for the leaching of lead is not established
9 by the date that is 1 year after the date of en-
10 actment of this subsection, the Administrator
11 shall, not later than 2 years after the date of
12 enactment of this subsection, promulgate regu-
13 lations setting a health-effects-based perform-
14 ance standard establishing maximum leaching
15 levels from new plumbing fittings and fixtures
16 that are intended by the manufacturer to dis-
17 pense water for human ingestion. The standard
18 shall become effective on the date that is 5
19 years after the date of promulgation of the
20 standard.

21 “(B) ALTERNATIVE REQUIREMENT.—If
22 regulations are required to be promulgated
23 under subparagraph (A) and have not been pro-
24 mulgated by the date that is 5 years after the
25 date of enactment of this subsection, no person

1 may import, manufacture, process, or distribute
 2 in commerce a new plumbing fitting or fixture,
 3 intended by the manufacturer to dispense water
 4 for human ingestion, that contains more than 4
 5 percent lead by dry weight.”.

6 (b) WATER RETURN FLOWS.—Section 3013 of Pub-
 7 lic Law 102–486 (42 U.S.C. 13551) is repealed.

8 (c) RECORDS AND INSPECTIONS.—Subparagraph (A)
 9 of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as des-
 10 ignated by section 19(a)(1)(A)) is amended by striking
 11 “Every person” and all that follows through “is a grant-
 12 ee,” and inserting “Every person who is subject to any
 13 requirement of this title or who is a grantee”.

14 **SEC. 27. BOTTLED WATER.**

15 Section 410 of the Federal Food, Drug, and Cosmetic
 16 Act (21 U.S.C. 349) is amended—

17 (1) by striking “Whenever” and inserting “(a)
 18 Except as provided in subsection (b), whenever”;
 19 and

20 (2) by adding at the end the following:

21 “(b)(1) After the Administrator of the Environmental
 22 Protection Agency publishes a proposed maximum con-
 23 taminant level, but not later than 180 days after the Ad-
 24 ministrator of the Environmental Protection Agency pub-
 25 lishes a final maximum contaminant level, for a contami-

1 nant under section 1412 of the Public Health Service Act
2 (42 U.S.C. 300g-1), the Secretary, after public notice and
3 comment, shall issue a regulation that establishes a qual-
4 ity level for the contaminant in bottled water or make a
5 finding that a regulation is not necessary to protect the
6 public health because the contaminant is contained in
7 water in the public water systems (as defined under sec-
8 tion 1401(4) of such Act (42 U.S.C. 300f(4)) and not in
9 water used for bottled drinking water.

10 “(2) The regulation shall include any monitoring re-
11 quirements that the Secretary determines to be appro-
12 priate for bottled water.

13 “(3) The regulation—

14 “(A) shall require that the quality level for the
15 contaminant in bottled water be as stringent as the
16 maximum contaminant level for the contaminant
17 published by the Administrator of the Environ-
18 mental Protection Agency; and

19 “(B) may require that the quality level be more
20 stringent than the maximum contaminant level if
21 necessary to provide ample public health protection
22 under this Act.

23 “(4)(A) If the Secretary fails to establish a regulation
24 within the 180-day period described in paragraph (1), the
25 regulation with respect to the final maximum contaminant

1 level published by the Administrator of the Environmental
2 Protection Agency (as described in such paragraph) shall
3 be considered, as of the date on which the Secretary is
4 required to establish a regulation under paragraph (1), as
5 the final regulation for the establishment of the quality
6 level for a contaminant required under paragraph (1) for
7 the purpose of establishing or amending a bottled water
8 quality level standard with respect to the contaminant.

9 “(B) Not later than 30 days after the end of the 180-
10 day period described in paragraph (1), the Secretary shall,
11 with respect to a maximum contaminant level that is con-
12 sidered as a quality level under subparagraph (A), publish
13 a notice in the Federal Register that sets forth the quality
14 level and appropriate monitoring requirements required
15 under paragraphs (1) and (2) and that provides that the
16 quality level standard and requirements shall take effect
17 on the date on which the final regulation of the maximum
18 contaminant level takes effect.”.

19 **SEC. 28. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS,**
20 **AND BENEFITS.**

21 (a) DEFINITIONS.—In this section:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

1 (2) ADVERSE EFFECT ON HUMAN HEALTH.—

2 The term “adverse effect on human health” includes
3 any increase in the rate of death or serious illness,
4 including disease, cancer, birth defects, reproductive
5 dysfunction, developmental effects (including effects
6 on the endocrine and nervous systems), and other
7 impairments in bodily functions.

8 (3) RISK.—The term “risk” means the likeli-
9 hood of an occurrence of an adverse effect on human
10 health, the environment, or public welfare.

11 (4) SOURCE OF POLLUTION.—The term “source
12 of pollution” means a category or class of facilities
13 or activities that alter the chemical, physical, or bio-
14 logical character of the natural environment.

15 (b) FINDINGS.—Congress finds that—

16 (1) cost-benefit analysis and risk assessment
17 are useful but imperfect tools that serve to enhance
18 the information available in developing environ-
19 mental regulations and programs;

20 (2) cost-benefit analysis and risk assessment
21 can also serve as useful tools in setting priorities
22 and evaluating the success of environmental protec-
23 tion programs;

24 (3) cost and risk are not the only factors that
25 need to be considered in evaluating environmental

1 programs, as other factors, including values and eq-
2 uity, must also be considered;

3 (4) cost-benefit analysis and risk assessment
4 should be presented with a clear statement of the
5 uncertainties in the analysis or assessment;

6 (5) current methods for valuing ecological re-
7 sources and assessing intergenerational effects of
8 sources of pollution need further development before
9 integrated rankings of sources of pollution based on
10 the factors referred to in paragraph (3) can be used
11 with high levels of confidence;

12 (6) methods to assess and describe the risks of
13 adverse human health effects, other than cancer,
14 need further development before integrated rankings
15 of sources of pollution based on the risk to human
16 health can be used with high levels of confidence;

17 (7) periodic reports by the Administrator on the
18 costs and benefits of regulations promulgated under
19 Federal environmental laws, and other Federal ac-
20 tions with impacts on human health, the environ-
21 ment, or public welfare, will provide Congress and
22 the general public with a better understanding of—

23 (A) national environmental priorities; and

1 (B) expenditures being made to achieve re-
2 ductions in risk to human health, the environ-
3 ment, and public welfare; and

4 (8) periodic reports by the Administrator on the
5 costs and benefits of environmental regulations will
6 also—

7 (A) provide Congress and the general pub-
8 lic with a better understanding of the strengths,
9 weaknesses, and uncertainties of cost-benefit
10 analysis and risk assessment and the research
11 needed to reduce major uncertainties; and

12 (B) assist Congress and the general public
13 in evaluating environmental protection regula-
14 tions and programs, and other Federal actions
15 with impacts on human health, the environ-
16 ment, or public welfare, to determine the extent
17 to which the regulations, programs, and actions
18 adequately and fairly protect affected segments
19 of society.

20 (c) REPORT ON ENVIRONMENTAL PRIORITIES,
21 COSTS, AND BENEFITS.—

22 (1) RANKING.—

23 (A) IN GENERAL.—The Administrator
24 shall identify and, taking into account available
25 data (to the extent practicable), rank sources of

1 pollution with respect to the relative degree of
2 risk of adverse effects on human health, the en-
3 vironment, and public welfare.

4 (B) METHOD OF RANKING.—In carrying
5 out the rankings under subparagraph (A), the
6 Administrator shall—

7 (i) rank the sources of pollution con-
8 sidering the extent and duration of the
9 risk; and

10 (ii) take into account broad societal
11 values, including the role of natural re-
12 sources in sustaining economic activity into
13 the future.

14 (2) EVALUATION OF REGULATORY AND OTHER
15 COSTS.—In addition to carrying out the rankings
16 under paragraph (1), the Administrator shall esti-
17 mate the private and public costs associated with
18 each source of pollution and the costs and benefits
19 of complying with regulations designed to protect
20 against risks associated with the sources of pollu-
21 tion.

22 (3) EVALUATION OF OTHER FEDERAL AC-
23 TIONS.—In addition to carrying out the require-
24 ments of paragraphs (1) and (2), the Administrator
25 shall estimate the private and public costs and bene-

1 fits associated with major Federal actions selected
2 by the Administrator that have the most significant
3 impact on human health or the environment, includ-
4 ing direct development projects, grant and loan pro-
5 grams to support infrastructure construction and re-
6 pair, and permits, licenses, and leases to use natural
7 resources or to release pollution to the environment,
8 and other similar actions.

9 (4) RISK REDUCTION OPPORTUNITIES.—In as-
10 sessing risks, costs, and benefits as provided in
11 paragraphs (1) and (2), the Administrator shall also
12 identify reasonable opportunities to achieve signifi-
13 cant risk reduction through modifications in environ-
14 mental regulations and programs and other Federal
15 actions with impacts on human health, the environ-
16 ment, or public welfare.

17 (5) UNCERTAINTIES.—In evaluating the risks
18 referred to in paragraphs (1) and (2), the Adminis-
19 trator shall—

20 (A) identify the major uncertainties associ-
21 ated with the risks;

22 (B) explain the meaning of the uncertain-
23 ties in terms of interpreting the ranking and
24 evaluation; and

25 (C) determine—

- 1 (i) the type and nature of research
- 2 that would likely reduce the uncertainties;
- 3 and
- 4 (ii) the cost of conducting the re-
- 5 search.

6 (6) CONSIDERATION OF BENEFITS.—In carry-
7 ing out this section, the Administrator shall consider
8 and, to the extent practicable, estimate the monetary
9 value, and such other values as the Administrator
10 determines to be appropriate, of the benefits associ-
11 ated with reducing risk to human health and the en-
12 vironment, including—

- 13 (A) avoiding premature mortality;
- 14 (B) avoiding cancer and noncancer dis-
- 15 eases that reduce the quality of life;
- 16 (C) preserving biological diversity and the
- 17 sustainability of ecological resources;
- 18 (D) maintaining an aesthetically pleasing
- 19 environment;
- 20 (E) valuing services performed by
- 21 ecosystems (such as flood mitigation, provision
- 22 of food or material, or regulating the chemistry
- 23 of the air or water) that, if lost or degraded,
- 24 would have to be replaced by technology;

1 (F) avoiding other risks identified by the
2 Administrator; and

3 (G) considering the benefits even if it is
4 not possible to estimate the monetary value of
5 the benefits in exact terms.

6 (7) REPORTS.—

7 (A) PRELIMINARY REPORT.—Not later
8 than 1 year after the date of enactment of this
9 Act, the Administrator shall report to Congress
10 on the sources of pollution and other Federal
11 actions that the Administrator will address, and
12 the approaches and methodology the Adminis-
13 trator will use, in carrying out the rankings and
14 evaluations under this section. The report shall
15 also include an evaluation by the Administrator
16 of the need for the development of methodolo-
17 gies to carry out the ranking.

18 (B) PERIODIC REPORT.—

19 (i) IN GENERAL.—On completion of
20 the ranking and evaluations conducted by
21 the Administrator under this section, but
22 not later than 3 years after the date of en-
23 actment of this Act, and every 3 years
24 thereafter, the Administrator shall report
25 the findings of the rankings and evalua-

1 tions to Congress and make the report
2 available to the general public.

3 (ii) EVALUATION OF RISKS.—Each
4 periodic report prepared pursuant to this
5 subparagraph shall, to the extent prac-
6 ticable, evaluate risk management deci-
7 sions under Federal environmental laws,
8 including title XIV of the Public Health
9 Service Act (commonly known as the “Safe
10 Drinking Water Act”) (42 U.S.C. 300f et
11 seq.), that present inherent and unavoid-
12 able choices between competing risks, in-
13 cluding risks of controlling microbial ver-
14 sus disinfection contaminants in drinking
15 water. Each periodic report shall address
16 the policy of the Administrator concerning
17 the most appropriate methods of weighing
18 and analyzing the risks, and shall incor-
19 porate information concerning—

20 (I) the severity and certainty of
21 any adverse effect on human health,
22 the environment, or public welfare;

23 (II) whether the effect is imme-
24 diate or delayed;

1 (III) whether the burden associ-
2 ated with the adverse effect is borne
3 disproportionately by a segment of the
4 general population or spread evenly
5 across the general population; and

6 (IV) whether a threatened ad-
7 verse effect can be eliminated or rem-
8 edied by the use of an alternative
9 technology or a protection mechanism.

10 (d) IMPLEMENTATION.—In carrying out this section,
11 the Administrator shall—

12 (1) consult with the appropriate officials of
13 other Federal agencies and State and local govern-
14 ments, members of the academic community, rep-
15 resentatives of regulated businesses and industry,
16 representatives of citizen groups, and other knowl-
17 edgeable individuals to develop, evaluate, and inter-
18 pret scientific and economic information;

19 (2) make available to the general public the in-
20 formation on which rankings and evaluations under
21 this section are based; and

22 (3) establish, not later than 2 years after the
23 date of enactment of this Act, methods for determin-
24 ing costs and benefits of environmental regulations
25 and other Federal actions, including the valuation of

1 natural resources and intergenerational costs and
2 benefits, by rule after notice and opportunity for
3 public comment.

4 (e) REVIEW BY THE SCIENCE ADVISORY BOARD.—
5 Before the Administrator submits a report prepared under
6 this section to Congress, the Science Advisory Board, es-
7 tablished by section 8 of the Environmental Research, De-
8 velopment, and Demonstration Act of 1978 (42 U.S.C.
9 4365), shall conduct a technical review of the report in
10 a public session.

11 **SEC. 29. OTHER AMENDMENTS.**

12 (a) CAPITAL IMPROVEMENTS FOR THE WASHINGTON
13 AQUEDUCT.—

14 (1) AUTHORIZATIONS.—

15 (A) AUTHORIZATION OF MODERNIZA-
16 TION.—Subject to approval in, and in such
17 amounts as may be provided in appropriations
18 Acts, the Chief of Engineers of the Army Corps
19 of Engineers is authorized to modernize the
20 Washington Aqueduct.

21 (B) AUTHORIZATION OF APPROPRIA-
22 TIONS.—There is authorized to be appropriated
23 to the Army Corps of Engineers borrowing au-
24 thority in amounts sufficient to cover the full
25 costs of modernizing the Washington Aqueduct.

1 The borrowing authority shall be provided by
2 the Secretary of the Treasury, under such
3 terms and conditions as are established by the
4 Secretary of the Treasury, after a series of con-
5 tracts with each public water supply customer
6 has been entered into under paragraph (2).

7 (2) CONTRACTS WITH PUBLIC WATER SUPPLY
8 CUSTOMERS.—

9 (A) CONTRACTS TO REPAY CORPS DEBT.—

10 To the extent provided in appropriations Acts,
11 and in accordance with subparagraphs (B) and
12 (C), the Chief of Engineers of the Army Corps
13 of Engineers is authorized to enter into a series
14 of contracts with each public water supply cus-
15 tomer under which the customer commits to
16 repay a pro-rata share of the principal and in-
17 terest owed by the Army Corps of Engineers to
18 the Secretary of the Treasury under paragraph
19 (1). Under each of the contracts, the customer
20 that enters into the contract shall commit to
21 pay any additional amount necessary to fully
22 offset the risk of default on the contract.

23 (B) OFFSETTING OF RISK OF DEFAULT.—

24 Each contract under subparagraph (A) shall in-
25 clude such additional terms and conditions as

1 the Secretary of the Treasury may require so
2 that the value to the Government of the con-
3 tracts is estimated to be equal to the
4 obligational authority used by the Army Corps
5 of Engineers for modernizing the Washington
6 Aqueduct at the time that each series of con-
7 tracts is entered into.

8 (C) OTHER CONDITIONS.—Each contract
9 entered into under subparagraph (A) shall—

10 (i) provide that the public water sup-
11 ply customer pledges future income from
12 fees assessed to operate and maintain the
13 Washington Aqueduct;

14 (ii) provide the United States priority
15 over all other creditors; and

16 (iii) include other conditions that the
17 Secretary of the Treasury determines to be
18 appropriate.

19 (3) BORROWING AUTHORITY.—Subject to an
20 appropriation under paragraph (1)(B) and after en-
21 tering into a series of contracts under paragraph
22 (2), the Secretary, acting through the Chief of Engi-
23 neers of the Army Corps of Engineers, shall seek
24 borrowing authority from the Secretary of the
25 Treasury under paragraph (1)(B).

1 (4) DEFINITIONS.—In this subsection:

2 (A) PUBLIC WATER SUPPLY CUSTOMER.—

3 The term “public water supply customer”
4 means the District of Columbia, the county of
5 Arlington, Virginia, and the city of Falls
6 Church, Virginia.

7 (B) VALUE TO THE GOVERNMENT.—The
8 term “value to the Government” means the net
9 present value of a contract under paragraph (2)
10 calculated under the rules set forth in subpara-
11 graphs (A) and (B) of section 502(5) of the
12 Congressional Budget Act of 1974 (2 U.S.C.
13 661a(5)), excluding section 502(5)(B)(i) of
14 such Act, as though the contracts provided for
15 the repayment of direct loans to the public
16 water supply customers.

17 (C) WASHINGTON AQUEDUCT.—The term
18 “Washington Aqueduct” means the water sup-
19 ply system of treatment plants, raw water in-
20 takes, conduits, reservoirs, transmission mains,
21 and pumping stations owned by the Federal
22 Government located in the metropolitan Wash-
23 ington, District of Columbia, area.

24 (b) DRINKING WATER ADVISORY COUNCIL.—The
25 second sentence of section 1446(a) (42 U.S.C. 300j–6(a))

1 is amended by inserting before the period at the end the
 2 following: “, of which two such members shall be associ-
 3 ated with small, rural public water systems”.

4 (c) SHORT TITLE.—

5 (1) IN GENERAL.—The title (42 U.S.C. 1401 et
 6 seq.) is amended by inserting after the title heading
 7 the following:

8 “SHORT TITLE

9 “SEC. 1400. This title may be cited as the ‘Safe
 10 Drinking Water Act’.”.

11 (2) CONFORMING AMENDMENT.—Section 1 of
 12 Public Law 93–523 (88 Stat. 1660) is amended by
 13 inserting “of 1974” after “Water Act”.

14 (d) TECHNICAL AMENDMENTS TO SECTION HEAD-
 15 INGS.—

16 (1) The section heading and subsection designa-
 17 tion of subsection (a) of section 1417 (42 U.S.C.
 18 300g–6) are amended to read as follows:

19 “PROHIBITION ON USE OF LEAD PIPES, FITTINGS,
 20 SOLDER, AND FLUX

21 “SEC. 1417. (a)”.

22 (2) The section heading and subsection designa-
 23 tion of subsection (a) of section 1426 (42 U.S.C.
 24 300h–5) are amended to read as follows:

25 “REGULATION OF STATE PROGRAMS

26 “SEC. 1426. (a)”.

1 (3) The section heading and subsection designa-
2 tion of subsection (a) of section 1427 (42 U.S.C.
3 300h-6) are amended to read as follows:

4 “SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM
5 “SEC. 1427. (a)”.

6 (4) The section heading and subsection designa-
7 tion of subsection (a) of section 1428 (42 U.S.C.
8 300h-7) are amended to read as follows:

9 “STATE PROGRAMS TO ESTABLISH WELLHEAD
10 PROTECTION AREAS
11 “SEC. 1428. (a)”.

12 (5) The section heading and subsection designa-
13 tion of subsection (a) of section 1432 (42 U.S.C.
14 300i-1) are amended to read as follows:

15 “TAMPERING WITH PUBLIC WATER SYSTEMS
16 “SEC. 1432. (a)”.

17 (6) The section heading and subsection designa-
18 tion of subsection (a) of section 1451 (42 U.S.C.
19 300j-11) are amended to read as follows:

20 “INDIAN TRIBES
21 “SEC. 1451. (a)”.

22 (7) The section heading and first word of sec-
23 tion 1461 (42 U.S.C. 300j-21) are amended to read
24 as follows:

25 “DEFINITIONS
26 “SEC. 1461. As”.

6 “SEC. 1462. For”.

10 “DRINKING WATER COOLERS CONTAINING LEAD
11 “SEC. 1463. (a)”.

15 “LEAD CONTAMINATION IN SCHOOL DRINKING WATER
16 “SEC. 1464. (a)”.

20 “FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARD-
21 ING LEAD CONTAMINATION IN SCHOOL DRINKING
22 WATER

S 1316 IS——3

S 1316 IS—4

S 1316 IS—5

S 1316 IS—6

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S 1316 IS—14